



Agenda

Greenville City Council

March 2, 2009
6:00 PM
City Council Chambers
200 West Fifth Street

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I. Call Meeting To Order

II. Invocation - Council Member Spell

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Consent Agenda

1. Minutes of the January 5, January 8, January 24, January 26, February 9, and February 12, 2009 City Council meetings
2. Enhancement Agreement with the North Carolina Department of Transportation for the installation of sidewalks along US 264A (Greenville Boulevard) between Landmark and Bismark Streets
3. Review and Inspection Agreement with the North Carolina Department of Transportation for the upgrade and replacement of traffic signal equipment at the US 264A (Greenville Boulevard) and Hooker Road/Convention Center Drive intersection
4. Memorandum of Agreement between the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management and the City of Greenville NC Urban Search and Rescue Task Force 10
5. Voluntary annexation agreement for property located at the southwest corner of the intersection of Highway 43 South and Worthington Road

6. Resolutions authorizing applications for economic stimulus funding for Greenville Utilities Commission projects under the American Recovery and Reinvestment Act of 2009
7. Water Capital Projects Budget Ordinance for Greenville Utilities Commission's Northwest Acres Water Main Extension
8. Budget ordinance amendment #9 to the 2008-2009 City of Greenville budget
9. Report on contracts awarded

VII. New Business

10. Presentations by boards and commissions
 - a. Affordable Housing Loan Committee
11. Resolution of Intent to Close Allen Taylor Court located west of Arlington Boulevard
12. Resolution authorizing the conveyance of City-owned properties by private sale to Greenville Housing Development Corporation
13. Acceptance of Staffing for Adequate Fire and Emergency Response (SAFER) Act grant award from the Department of Homeland Security
14. Contract with Martin Starnes & Associates, CPAs, P.A. for auditing services

VIII. Review of March 5, 2009 City Council agenda

IX. Comments from Mayor and City Council

X. City Manager's Report

XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 3/2/2009
Time: 6:00 PM

Title of Item: Minutes of the January 5, January 8, January 24, January 26, February 9, and February 12, 2009 City Council meetings

Explanation: The minutes of the January 5, January 8, January 24, January 26, February 9, and February 12, 2009 City Council meetings have been prepared and are ready for City Council consideration.

Fiscal Note: No direct fiscal impact.

Recommendation: Approval of the January 5, January 8, January 24, January 26, February 9, and February 12, 2009 City Council minutes.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Minutes proposed for adoption of the January 5 2009 City Council Meeting 809702](#)
- [Draft of Minutes for January 8 2009 806150](#)
- [January 24 2009 City Council Planning Session Minutes 812485](#)
- [January 26 2009 City Council Minutes 809996](#)
- [February 9 2009 City Council Minutes 812633](#)
- [February 12 2009 City Council Minutes 813857](#)

PROPOSED MINUTES FOR ADOPTION BY CITY COUNCIL

Greenville, NC
January 5, 2009

The Greenville City Council met in a regular meeting on the above date at 6:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by the invocation by Council Member Joyner and the pledge of allegiance to the flag. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem Mildred A. Council
Council Member Rose H. Glover
Council Member Max Joyner, Jr.
Council Member Bryant Kittrell
Council Member Calvin Mercer
Council Member Larry Spell
Wayne Bowers, City Manager
Patricia A. Sugg, Deputy City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

Motion was made by Council Member Spell and seconded by Mayor Pro-Tem Council to approve the agenda as presented. Motion carried unanimously.

CONSENT AGENDA - APPROVED

Motion was made by Council Member Joyner and seconded by Council Member Spell to approve the consent agenda. Motion carried unanimously.

1. Minutes of the November 24, December 8, and December 11, 2008 City Council meetings
2. Resolution accepting dedication of rights-of-way and easements for Stone Haven at Landover, Section One; Davencroft, Phase 2, Section 1 and Phase 3; and Tull's Cove, Section 2 (Resolution No. 09-01)
3. Municipal Bridge Agreement with the North Carolina Department of Transportation for replacement of the King George Road Bridge at Bells Branch (Contract No. 1740)
4. Amendment 3 to the contract with Kimley-Horn and Associates for Phase I of the Stantonsburg Road/Tenth Street Connector Project (Contract No. 1429B)

5. Dropout Prevention Grant for the Police Department from the North Carolina General Assembly
6. Police Department grant applications
7. Personnel changes to implement in-house administration of the False Alarm Reduction Program
8. Budget ordinance amendment #7 to the 2008-2009 City of Greenville budget (Ordinance No. 09-01)
9. Various tax refunds

<u>Name</u>	<u>Reason</u>	<u>Amount</u>
Daimler Chrysler Motors Corporation	Refund of City Taxes Paid	\$ 107.50
Pitt County Tax Collector	Refund of City Taxes Paid	\$148.86
Jeffrey & Nancy Meyer	Refund of City Taxes Paid	\$113.28
Damon Sanger	Refund of City Taxes Paid	\$232.59

PRESENTATIONS BY BOARDS AND COMMISSIONS

Environmental Advisory Commission

Mr. Wayne Caldwell, Chairman of the Environmental Advisory Commission, reminded the City Council that the Environmental Advisory Commission advises and recommends to the City Council matters of city-wide environmental concerns. The Commission also serves as technical advisors to the City Council on environmental matters. The Commission consists of a broad range of talent including contractors, educators, environmentalists, engineers, lawyers, physicians, and scientists.

The Commission has initiated environmental input to the 2009 City's goals and objectives and has given support for resolutions on recycling, and a fuel efficient and low polluting city fleet. Environmental awards have also been presented to individuals, institutions, businesses and organizations to increase recognition.

The Commission recommended to the Tenth Street Connector Steering Team that a thorough environmental study be made to assess the health impact of those living in the area. Greenville's Climate Protection Partnership (GCPP) developed a five-year plan to accomplish the Mayor's Climate Protection Agreement that was signed in 2007. Greenville is presently being looked at by the North Carolina Sierra Club as a model for other cities to follow in implementing a "Cool Cities Program". Some of the benefits of environmental improvements include better health, lower cost, better education, energy conservation, reduced global warming, economic development and strong sustainable communities. A 2020 Vision for Greenville includes an educated public with a commitment to the environment, more preservation of green spaces, increased energy efficiencies of all new buildings, safe biking and walking that interconnect areas, provide access to businesses and have 100% recycling of recyclable materials.

Mr. Caldwell informed the Council that some of the 2009 objectives are to accelerate and expand ongoing initiatives such as the Horizons Plan, greenways, sidewalks, coordination of transportation systems and a biking community. Another objective is to increase City staff leadership on environmental initiatives such as the North Carolina League of Municipalities Green Challenge, which will require each department to work on environmental accomplishments, establish a sustainability leadership team for the City to promote improvements, and partnership with others. The City needs to provide funds for education, adopt the Greenville Climate Protection Partnership Five Year Plan, and develop and implement an incentive-based recycling plan in a cost effective manner to save valuable resources. The City of Greenville should also set an example in building energy reduction, educating citizens about opportunities to reduce energy costs and the effects on the environment, ensuring regulations do not prevent cost effective technology from being implemented, and supporting regulations (city and state) that require increased efficiency.

Mr. Caldwell informed the City Council that Greenville is making steady progress and now is the time for city leadership to view environmental needs with high priority. Mr. Caldwell invited the Council Members to turn to the Environmental Advisory Commission for information and recommendations when environmental issues arise.

Community Appearance Commission

Mr. Albrecht McLawhorn, Vice Chairman stated that the Community Appearance Commission was created to promote, encourage and solicit an improved community appearance on public and private property. On a biennial basis the Community Appearance Commission has the opportunity to honor the top properties in Greenville. The most recent recipients honored were the University Chop House, Jefferson's Blount Harvey Building, Greenville Plastic Surgery, Finelli's Cafe, Green Street Bridge, Greenville City Hall, Carolina Heart, East Carolina Bank on Red Banks Road, McDonalds 4755, and Four Paws Inn. The winners were selected on a basis of landscaping and/or architectural excellence. In addition to these awards, the Community Appearance Commission helped organize a community wide clean-up with volunteers coming from different Greek organizations, city staff and local residents. Tires, batteries, bulky trash, and vegetative refuse were picked up and disposed of at a central location.

The Community Appearance Commission also oversees the Adopt-A-Street Program. Twice a year the Community Appearance Commission awards neighborhood grants to well established neighborhood associations. In 2008 Glen Arthur, Colonial Heights, Lynndale and Westhaven were awarded grants. The maximum award is \$750, which provides an incentive for neighborhoods to be proactive regarding community beautification. The neighborhood grants are an exciting chance for appearance to translate into fellowship. A number of the grant recipients applied for improved landscaping, neighborhood signs, parks and informational kiosks. Colonial Heights held a block party which involved everyone in their community to come together and basically showed that the community was proactive.

Mr. McLawhorn further stated that the Commission enjoyed working with staff, and looked forward to all the awaiting challenges.

ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCE - ADOPTED

Animal Control Supervisor Tim Langley informed the City Council that the purpose of the proposed amendment is to bring the ordinance into alignment with the State Statutes. The ordinance has not been amended since 1993. The proposed changes to the animal control ordinance provide the police with clearer definitions to use when making determinations regarding vicious, potentially dangerous, and aggressive animals. It also includes definitions of key terms not included in the current ordinance. Also, the proposed ordinance includes language defining animals that are owned or harbored for the purpose of fighting or trained for fighting as dangerous/vicious animals. The changes also outline the procedures that will be followed when an animal has been involved in an incident and the method the citizen has to address their concerns or make appeals. Also included in the proposed changes is that a \$250 civil fine is imposed for any owner that refuses to comply with a seizure order within 24 hours.

Motion was made Council Member Mercer and seconded by Council Member Joyner to adopt the amended animal control ordinance. Motion carried unanimously. (Ordinance No. 09-02)

GENERAL FUND LOAN TO THE CONVENTION CENTER DISTRICT PROJECT ACCOUNT FOR STREETScape AND PROPERTY IMPROVEMENTS - APPROVED

Assistant City Manager Thom Moton informed the City Council that Greenville and the greater Pitt County community are fortunate to have elected a civic leadership possessing the vision to invest the time, resources, and monies to construct a high-quality convention center. During the center's six years of operation, the Convention Center has been successful. Affirmation of its success can be seen in the high-profile, benchmark conferences that will be hosted for the first time. In 2009, the North Carolina League of Municipalities Annual Conference will be hosted in Greenville, and in 2010 the North Carolina Association of County Commissioners Annual Conference will also be held in Greenville. Convention centers, which are mainly owned by public entities, operate in a competitive environment. Improving the aesthetic quality of the Convention Center campus, improving pedestrian mobility and safety, and creating a sense of place are investments that will help the facility continue attracting high-quality conferences. In return, those high-caliber conferences generate significant economic benefits; for example, the North Carolina League of Municipalities 2009 Annual Conference is projected to pump roughly \$829,000 of outside money into the local economy. According to the NC Department of Tourism, that money will get turned over at least 2.5 times, which translates into more than \$2 million for Pitt County and surrounding cities.

Assistant City Manager Moton stated that a diverse group of representatives from the Exhibit Hall Management Group, Hilton/Hampton Hotels, Greenville Utilities Commissions, Convention and Visitors Authority, and the City formed a project development team and have been working since March 2008 exploring options to achieve the aforementioned goals. The team developed the concept for the Convention Center District and the planned improvements. In order to enjoy

the construction cost savings that accrue with economies of scale, the project team recommended the Phase I work be done at the same time. Phase I improvements exceed the occupancy tax revenues the City anticipates being available in this fiscal year. To fund Phase I, City staff proposed dedicating fiscal years 2009-2010 and 2010-2011 anticipated surplus occupancy tax receipts to cover the additional phase 1 project costs. Since those dedicated funds are unavailable at this time, staff proposes the City Council approve an occupancy tax anticipation loan from the General Fund. Annual payments will be made to the General Fund in fiscal years 2009-2010 and 2010-2011 with interest accrued charges to fully repay the anticipation loan. Assistant City Manager Moton reminded the City Council that they approved awarding a bid to Rivers and Associates for design services at the November 6, 2008 City Council meeting.

Assistant City Manager Thom Moton showed an aerial view of the district beginning at Greenville Boulevard and Evans Street, extending to Memorial Drive and Greenville Boulevard, which is the entire extent of the district. This project accomplishes one of the City Council 2008-2009 goals, which was to construct sidewalks along both sides of Greenville Boulevard between Landmark Street and Bismark Street as part of the Convention Center Business District. The vision of the team was to provide an attractive and safe space for visitors, tourists, conventioners, and residents to experience Greenville and to promote the Greenville Convention Center as the destination of choice east of US Interstate 95.

Rivers and Associates representative Myriah Shewchuck informed the City Council that the goals for this project area are defined in the following four overall themes:

1. Create a “sense of place” to define the gateways to the district, improve signage and wayfinding, integrate public art, provide unique materials and furnishings and to create a unified appearance.
2. Provide a safe and low maintenance environment, which can be done by improving lighting and maintaining high visibility delineating pedestrian areas, providing urban and drought tolerant plants and use durable materials.
3. Integrate “Green” design that can be done by decreasing heat island effect, minimizing light pollution, encouraging pedestrian access, using native or adaptable plant material, treating storm water quantity and quality.
4. Position Greenville as a modern leader in the east that can be accomplished by integrating interpretive signage, providing opportunities for education, and setting a precedent for future projects.

Assistant City Manager Moton stated that the Phase 1 key elements are to replace the existing traffic signal system with mast arms and poles at Hooker/Greenville Boulevard, and install illuminated street name signs. Constructing sidewalks within the existing right of way between Landmark Street and Bismark Street will allow for a low maintenance decorative crosswalk across the intersection of Hooker/Greenville Boulevard. Also, a grand walkway and courtyard is planned for the parking lot that leads from the sidewalk on Greenville Boulevard to the front

entrance to the Convention Center with a water feature at the “grand” entrance. The marquee sign will be moved to the entrance of the Convention Center and a modern LED changeable message sign will be installed. The landscaping features will be improved in the Convention Center Campus (Hampton/Hilton/City Bistro area), and a street lighting system will be installed on the access road to the Convention Center, which is also capable of supporting banners hung on arms from the street lights.

Motion was made by Council Member Spell and seconded by Council Member Joyner to approve an occupancy tax anticipation loan to enable Phase I of the Greenville Convention Center District streetscape improvements to move forward. Motion carried unanimously.

REVIEW OF JANUARY 8, 2009 CITY COUNCIL AGENDA

The City Council did a cursory review of the items on the January 8, 2009 City Council Meeting agenda and reviewed the appointments to Boards and Commissions.

Council Member Joyner asked that the method of appointing citizens to the boards and commissions be added to the planning session agenda.

COMMENTS FROM MAYOR AND CITY COUNCIL

The Mayor and City Council gave general comments.

CITY MANAGER’S REPORT

City Manager’s Goals and Performance Objectives for 2009

1. Continue to monitor the redevelopment efforts for the 45 Block Revitalization Program and provide regular status updates to the City Council
2. Work with the Redevelopment Commission to attract a residential condominium project to the uptown area
3. Present a draft non-residential building maintenance code for City Council consideration by January 8, 2009 and fully implement the adopted code by March 2009
4. Prepare for City Council consideration by April 2009 a comprehensive annexation plan to address areas in the ETJ that meet legal requirements for annexation
5. Evaluate with the Police Chief current community policing efforts and determine if any major adjustments are needed to address crime issues by April 2009
6. Acquire a site for the future construction of Fire Station #7 by June 2009

7. Insure completion of the new public safety computer aided dispatch/records management system and transition to the VIPER radio system by July 2009
8. Continue to assist the NCDOT with constructing the improvements that will reduce the impact of the railroad switching yard operations on City streets; first phase of construction to begin by May 2009
9. Continue process for constructing an Intermodal Bus Transportation Center with completion of property acquisition by October 2009
10. Complete construction of the South Tar River Greenway by September 2009
11. Obtain grant funding for construction of the Drew Steele Center at Elm Street Park by June 2009
12. In consultation with The Ferguson Group, pursue funding for projects included in the City's FY 2010 federal agenda
13. Present to the City Council by May 6, 2009 proposed adjustments to the 2009-2010 financial plan as part of the two-year budget process
14. By February 2009 make available to the City Council and citizens a monthly report that provides the status of all City capital projects
15. Complete the health insurance study and evaluate all consultant recommendations by June 2009
16. Complete the employee classification & compensation study and evaluate all consultant recommendations by September 2009

Motion was made by Council Member Joyner and seconded by Council Member Mercer to approve the City Manager Goals and Objectives for 2009. Motion carried unanimously.

Request for City Council to Consider a Special Meeting

City Manager Bowers informed the City Council that through an act last year the federal government made available funds to local governments to address the foreclosure problems in the nation. Money was set and targeted to places such as California, Florida, and North Carolina. Recently staff has become aware that Greenville can apply for money in Pitt County, but there is a very short timeframe.

Sandra Anderson, Senior Planner, informed the City Council that funds had been appropriated to address the foreclosure crisis. The local government will be able to buy, rehab and resell foreclosures in the community. The City of Charlotte has received a direct allocation and the State of North Carolina will receive funding approximated at \$52 million. In November, 2008 it

was determined that there were 23 counties in North Carolina that will be eligible for funding based on the number of foreclosures in the area, subprime loans in the area and delinquencies in the area. Pitt County, and therefore Greenville, meets these requirements for funding. Staff has been notified the City of Greenville has 30 days to prepare and submit documentation to HUD. Staff, so far, has identified 406 properties that are currently in foreclosure and would be eligible for assistance. The year-to-date total foreclosures in the Pitt County area is 686. Based on all this information, staff would like to apply for funding. The application is due February 3rd and there is a 10-day notice requirement for the Public Hearing. Also, an informational meeting has been set for January 14.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Joyner to hold the public hearing on January 26, 2009 in the City Council Chambers at 6:00 p.m. Motion carried unanimously.

ADJOURNMENT

Motion was made by Council Member Joyner and seconded by Council Member Spell to adjourn the meeting at 7:50 p.m. Motion carried unanimously.

Respectfully submitted,

Patricia A. Sugg, CMC
Deputy City Clerk

PROPOSED MINUTES FOR ADOPTION BY CITY COUNCIL

Greenville, NC
January 8, 2009

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by the invocation by Council Member Kittrell and the pledge of allegiance to the flag. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem Mildred A. Council
Council Member Rose H. Glover
Council Member Max Joyner, Jr.
Council Member Bryant Kittrell
Council Member Calvin Mercer
Council Member Larry Spell
Wayne Bowers, City Manager
Patricia A. Sugg, Deputy City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

Motion was made by Council Member Spell and seconded by Council Member Joyner to continue the item concerning boards and commissions appointments to February and to approve the agenda as amended. Motion carried unanimously.

SPECIAL RECOGNITIONS

Ms. Jane Willoughby was recognized for 21 years of service in the Financial Services Department in absentia.

Ms. Betty Hudson was presented with a plaque upon her retirement with 27 years and 4 months of service in the Public Works Department.

Mr. Millard Garris was presented with a plaque upon his retirement with 22 years of service in the Public Works Department.

Mr. Jackson Williams was presented with a plaque upon his retirement with 32 years 4 months of service in the Public Works Department

APPOINTMENTS TO BOARDS AND COMMISSIONS

Firefighters' Relief Fund Committee

The City Clerk had requested that the appointment to be continued to February 2009.

Historic Preservation Commission

Motion was made by Council Member Mercer and seconded by Council Member Spell to reappoint Dennis Chestnut to a second three-year term, expiring January 2012; to appoint Ashley Wetherington to a first three-year term, expiring January 2012, replacing Greg Jarrell who is ineligible for reappointment; and to appoint Christy Koren to a first three-year term, expiring January 2012, replacing Franceine Ress who is ineligible for reappointment. Motion carried unanimously.

Human Relations Council

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Mercer to appoint Tawanna Boone to a first three-year term, expiring September 2012, replacing Mary Bragaw who is ineligible for appointment, and to appoint Lori Tripp to a first three-year term, expiring September 2012, replacing Reginald Watson who is ineligible for reappointment. Motion carried unanimously.

Public Transportation and Parking Commission

Motion was made by Council Member Joyner, and seconded by Council Member Spell to appoint Marsha Wyly to a first three-year term, expiring January 2012, replacing Margaret Gemperline who is ineligible for reappointment. Motion carried unanimously.

Council Member Joyner requested that the replacement of Don Anderson and Robert Thompson be continued until February 12, 2009.

Recreation and Parks Commission

Motion was made by Council Member Spell and seconded by Council Member Joyner to appoint Seth Shoneman to fill an unexpired term expiring June 2009, replacing Wilbur Bennett. Motion carried unanimously.

Redevelopment Commission

Mayor Pro-Tem Council stated that she has spoken with Melissa Hill regarding her attendance on the Redevelopment Commission, and they have worked out the attendance problems.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Joyner to leave Melissa Hill on the Commission at this time. Motion carried unanimously.

ORDINANCE AMENDING THE NUISANCES REGULATIONS OF THE CITY CODE - ADOPTED

Chief Planner Harry Hamilton stated that an amendment to the nuisance regulations of the City Code is being proposed to accomplish one of the implementation strategies included in the Lake Ellsworth, Clark's Lake, and Tripp Subdivisions Neighborhood Report and Plan. The

implementation strategy that this amendment addresses reads as follows: "The City will consider amendment of the public nuisance regulations to allow trimming of vegetation and/or removal of vegetation from private property where vegetation impedes public safety vehicle ingress and egress in designated apparatus access areas."

Chief Planner Hamilton informed the Council that the proposed amendment has been reviewed and approved by the City of Greenville Fire/Rescue Department. At the November 6, 2009 City Council meeting, the City Council requested staff to conduct further research on the impact of the ordinance change, and hold a public hearing at the December 11, 2008, City Council meeting. The public hearing was advertised and conducted on December 11, 2008. No one spoke at the public hearing. Chief Planner Hamilton reported to City Council the results of the research on the report of the ordinance change.

Motion was made by City Council Member Joyner and seconded by Council Member Spell to adopt the motion amending the Nuisances Regulations of the City Code. Motion carried unanimously. (Ordinance No. 09-03)

ORDINANCE REQUESTED BY 43 LAND HOLDINGS, LLC TO REZONE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF BAYSWATER DRIVE AND EAST FIRE TOWER ROAD FROM OR TO CG - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 29, 2008 and January 5, 2009 setting this time, date and place for a public hearing to consider a request by 43 Land Holdings, LLC to rezone 1.769 acres located at the southwest corner of the intersection of Bayswater Drive and East Fire Tower Road from OR to CG. The Planning and Zoning Commission recommended approval of the request.

Mr. Seth Laughlin, Planner, delineated the property on a map and explained the request.

Mayor Dunn declared the public hearing open and solicited comments from the audience.

Mr. Fred Mattox spoke on behalf of 43 Land Holdings, LLC, and informed the City Council that circumstances had changed since his last appearance before the City Council. Mr. Mattox explained that at the same meeting that the 43 Land Holdings, LLC request was denied, another request was honored to rezone 24 acres on the east side of 43 Land Holdings, LLC's shopping center to General Commercial. Mr. Mattox informed the Council that because of the change in circumstances, 43 Land Holdings, LLC is requesting that the City Council allow the expansion of its existing shopping center. The property is located immediately behind the shopping center and across from Bayswater Drive property.

Mr. Wayne Singleton, a resident in Sheffield Subdivision spoke in opposition to the rezoning request and stated that he lives in Sheffield Subdivision, and it is very difficult to get out of the neighborhood onto Fire Tower Road. Mr. Singleton further stated that there will be 450 additional vehicles entering the site which will make it even more difficult to access Fire Tower Road.

Council Member Mercer stated that when requesting a rezoning that is not in compliance with the Land Use Plan the City Council needs to have a very clear and strong reason to approve the rezoning. Council Member Mercer stated that he will vote for the rezoning because of the unique situation that came out of staff's presentation. Two rezoning requests on Fire Tower Road came before a previous Council; both rezonings were not in compliance with the existing land use plan. One tract was 24 acres and the other tract was 1.7 acres. The rezonings were a significant deviation from the existing land use plan and not necessary to serve the citizens in the area, and would also seriously impact Fire Tower Road. If a rezoning was allowed, contrary to the land use plan, it would destroy much of the benefit of the new four-lane road to be built on Fire Tower Road. When transportation officials decided to widen Fire Tower Road, they did that thinking appropriately that the City would follow the sound principle in the land use plan, but in this case it was not followed. When the large tract is commercially developed, this section of Fire Tower Road will instantly be heavily traveled. This is not ideal, and it was not planned for when the road was designed. The previous Council approved the 24-acre tract and in the very next agenda item the Council denied the smaller 1.7 acre rezoning request. Both tracts should have been treated equally. Staff is bound to say that the 1.7 acres is not in compliance, because the previous Council voted to deny it. Since the previous Council approved the 24-acre tract, that Council changed the character of this part of Fire Tower Road. Council Member Mercer stated that if there was a significant number of persons in opposition to the 1.7 acre zoning request, he would take it in account, but since there was not a significant opposition by citizens who live in the area, he will support the rezoning.

Council Member Kittrell asked what the buffer would be between Mr. Singleton's property and the property requested to be rezoned if the rezoning was approved.

Mr. Laughlin replied that Mr. Singleton lived across the street from Fire Tower Road and no buffer was required between his property and the property requested to be rezoned.

Council Member Joyner stated that he agreed with Council Member Mercer regarding rezoning the 1.7 acres. He also agreed that the shopping Center would be a great addition to the area.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Joyner and seconded by Council Member Glover to adopt the ordinance rezoning 1.769 acres located at the southwest corner of the intersection of Bayswater Drive and East Fire Tower Road from OR to CG. Motion carried unanimously. (Ordinance No. 09-04)

ORDINANCE ANNEXING TIBURON SUBDIVISION, PHASE ONE, LOCATED AT THE TERMINUS OF TEAKWOOD DRIVE OFF OF ALLEN ROAD - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 29, 2008 setting this time, date and place for a public hearing to consider a request by W & A Development, LLC to annex 16.439 acres located at the terminus of Teakwood Drive off of Allen Road. This is a contiguous annexation.

Planner Seth Laughlin explained that the property is located in Voting District 1 and will be served by Fire Station Number 5. The property is currently vacant and the proposed use is for 47 single-family homes. The current population is 0, and the anticipated population at full development is 115 with 35 being minority.

There being no comments, the public hearing was closed.

Mayor Dunn declared the public hearing open and solicited comments from the audience.

Motion was made by Council Member Joyner and seconded by Council Member Council to adopt the ordinance to annex Brook Hollow, Section 3, containing 16.439 acres located at the terminus of Teakwood Drive off of Allen Road. Motion carried unanimously. (Ordinance No. 09-05)

ORDINANCE ANNEXING EASTERN CAROLINA VOCATIONAL CENTER, INC. LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GREENE STREET AND INDUSTRIAL BOULEVARD - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on December 29, 2008 setting this time, date and place for a public hearing to consider a request by Eastern Carolina Vocational Center to annex 14.514 acres located the northeast corner of the intersection of North Greene Street and Industrial Boulevard. This is a contiguous annexation.

Planner Seth Laughlin, explained that the property is located in Voting District 1 and will be served by Fire Station Number 5. The property is currently vacant and the proposed use is for Eastern Carolina Vocational Center. The current population is 0, and the anticipated population at full development is 0.

Mayor Dunn declared the public hearing open and solicited comments from the audience.

Mr. Fred Mattox was available for questions.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Joyner and seconded by Council Member Spell to adopt the ordinance to annex 14.514 acres located at the northeast corner of the intersection of North Greene Street and Industrial Boulevard. Motion carried unanimously. (Ordinance No. 09-06)

ORDINANCE ESTABLISHING ARTICLE G OF CHAPTER 1 OF TITLE 9 OF THE GREENVILLE CITY CODE RELATING TO A NONRESIDENTIAL BUILDING OR STRUCTURE CODE - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on January 8, 2009 setting this time, date and place for a public hearing to consider establishing a nonresidential building or structure code.

City Manager Bowers informed the City Council that for many years the City had a minimum housing code that applied to all residential structures. No similar law has applied to nonresidential structures. For nonresidential structures that have fallen into disrepair the City has had the authority to address major deficiencies through its abandoned structure ordinance and through the unsafe building provisions of the North Carolina General Statutes. Buildings must be in very serious structural condition to be deemed in violation of the unsafe building provisions of the North Carolina General Statutes. In 2005, the City Council established as a goal the adoption of a minimum nonresidential building code. Since municipalities were not granted the power to enact such codes, authorization was sought from the General Assembly. With support from the Pitt County legislative delegation, a new law was enacted in 2007 that authorized all cities to enact nonresidential building or structure codes following guidelines included in the new state law. A proposed ordinance has been drafted to meet all the statutory requirements.

City Manager Bowers stated that the proposed ordinance applies to all nonresidential buildings or structures located in the City's corporate limits. The ordinance establishes a listing of 20 conditions that constitute potential violations that could be dangerous to the public health, safety and welfare such as rotted interior or exterior walls, roofs that are not structurally sound, and improperly attached exterior objects such as signs or other protrusions. The ordinance provides for the designation of enforcement officers, a notification process for violation, a hearing process, and other enforcement procedures. The proposed ordinance was reviewed by the Greenville-Pitt County Chamber of Commerce Governmental Affairs Issues Committee on December 16, 2008.

Council Member Kittrell asked what the process would be if there was a historic structure involved in the process.

City Attorney Holec replied that special provisions are in the ordinance, and if the structure is a historic structure the Council would need to have a public hearing to determine whether or not the structure contributes to the district. If it does, Council's ability is to only have the structure, unless it is declared unsafe, to be vacated and closed until it is brought into compliance with the minimum standards.

Council Member Joyner requested staff return in six months with a report.

Motion was made by Council Member Joyner and seconded by Council Member Spell to adopt the ordinance establishing a nonresidential building or structure code. Motion carried unanimously. (Ordinance No. 09-07)

COMMENTS FROM MAYOR AND CITY COUNCIL

The Mayor and City Council gave general comments.

CITY MANAGER'S REPORT

City Manager Bowers reminded City Council of the Planning Session on January 24 at 8:00 at Bradford Creek Golf Course Club House.

City Manager Bowers stated that a special meeting has been established for a public hearing on the Neighborhood Stabilization Program Grant and has been set for January 26, 2009 at 6:00 p.m. in the City Council Chambers.

ADJOURN

Motion was made by Council Member Joyner and seconded by Council Member Mercer to adjourn the meeting at 8:07 p.m. Motion carried unanimously.

Respectfully submitted,

Patricia A. Sugg, CMC
Deputy City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
January 24, 2009

The Greenville City Council met in a regular meeting on the above date at 8:00 a.m. at Bradford Creek Golf Course Clubhouse. The meeting was called to order by Mayor Patricia C. Dunn. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem Mildred A. Council
Council Member Rose H. Glover
Council Member Max Joyner, Jr.
Council Member Bryant Kittrell
Council Member Calvin Mercer
Council Member Larry Spell
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Kittrell to approve the agenda as presented. Motion carried unanimously.

FINANCIAL UPDATE

City Manager Bowers provided a mid-year financial update to the Council, stating that budgeted revenues are \$75.9 million and budgeted expenditures are \$75.9 for this fiscal year. To date, 52% of the revenues have been received and 42% of the funds have been expended. Collected revenues at mid-year in 2009 differ from mid-year 2008 as follows:

Property Taxes	Increase of 14%
Sales Taxes	Increase of 9%
Greenville Utilities Commission Transfers	Increase of 26%
Utilities Franchise Taxes	Increase of 9%
Rescue Fees	Increase of 24%
Inspection Fees	Decrease of 50%

City Manager Bowers informed the Council that the City is in a better position than many areas during this weakened economy because it had been more conservative when initially budgeting. He presented a budget reduction plan that will be implemented if the economy does not improve, which involves 2% cuts, a reduction in contingency, fuel savings and reserves. Based on the revenues collected thus far, is anticipated that the projected revenues will exceed projected expenses this fiscal year by \$3,979,821. Personnel costs are up five percent. As far as revenues, Greenville Utilities transfers are up 26%; utilities franchise taxes are up 9%; rescue fees are up

24%, and inspection fees are down 50%. Sixty-nine percent of the General Obligation bonds that were sold in 2004 have been spent. Those bonds were for street improvements, West Greenville and Center City revitalization, and stormwater. It is anticipated that another issuance will be needed in the Fall of 2009 for street improvements and West Greenville revitalization. It is unknown exactly when another issuance for Center City revitalization will be done. That will depend on the economy.

CRIME UPDATE

Chief of Police William Anderson provided a crime update to the City Council. He stated that the 2008 UCR Crime Report showed that violent crime decreased five percent from 2007 to 2008, property crime increased three percent, and the total crime index increased two percent. In 2007, there were 64,323 calls for service to the Greenville Police Department, and in 2008, there were 62,209. Chief Anderson informed the Council that in response to the recent crime issues, the Department has increased the number of patrol districts and implemented an Area Policing Plan, a Violent Crime Response Plan, a Burglary Response Plan, a Downtown Deployment Plan, community response and input, improved communication and other community initiatives. A Crime Analysis Unit has also been established to develop timely, relevant and accurate information. The unit holds weekly meetings to review crime maps and an analysis relating to crime series, patterns and trends. They have also implemented hotspot enforcement and have improved communication. Chief Anderson reviewed the community initiatives and programs that have been implemented, which include the Police Community Relations Committee, Police Athletic League (PAL), 100 Cops 100 Kids, Summer Significance Academy (SSA), Citizens' Police Academy, Blue Print for Peace, Citizens United Against Violence, Greenville Police Explorers, Gang Grant (surveillance cameras), Drop-Out Prevention Grant, Mentoring Initiative, Gang Unit, False Alarm Reduction Unit, Youth Protection Ordinance, Truancy Initiative, and Code Enforcement. Future initiatives and programs include Citizens on Patrol (COPS), Prisoner Re-Entry Program, Weed and Seed, Expansion of Crime Analysis Unit, and Landlord/Tenant Training Seminar. There has been a 30 percent decrease in false alarms since the false alarm ordinance became effective. The department also is interested in hosting a crime summit.

2009 GOALS SETTING PROCESS

Ms. Sharon Knight, facilitator, asked each Council Member to rank their top three choices of the 2008-2009 goals. The outcome was as follows:

1. Promote a Safe Community (Top priority by four elected officials; second priority by three elected officials)
2. Promote/Strengthen Economic Development Opportunities (Top priority by one elected official; second priority by one elected official; third priority by one elected official)
3. Promote Sustainability and Livability of Both Old and New Neighborhoods (Top priority by two elected officials; second priority by two elected officials; third priority by two elected officials)

4. Develop Transportation Initiatives (Third priority by one elected official)
5. Keep Planning Ahead of Anticipated Growth (Third priority by two elected officials)
6. Enhance Cultural and Recreational Opportunities (Second priority by one elected official)
7. Enhance Understanding and Increase Broader Citizen Participation in City Government
8. Enhance Diversity (Third priority by one elected official)
9. Promote Effective Partnerships
10. Promote Sound Environmental Policies

The Council Members indicated that their not ranking the goals in no way meant that they did not think it was important, that they simply ranked their top three out of the ten goals.

Ms. Knight then asked the Council Members to brainstorm to come up with objectives for the respective goals. Some of the items mentioned by Council Members were actually action items and were noted accordingly. Council Members asked that a note be placed on the goals indicating that “Due to current economic conditions, the City Council indicates an awareness of budgetary constraints that impact all goals and is prepared to make adjustments as necessary based on financial impacts.” The outcome was as follows:

1. Promote a Safe Community
 - a. Continue to support community policing
Action Item: Conduct a community crime summit
 - b. Expand crime prevention activities for youth
 - c. Strengthen partnerships between the Police Department and the Pitt County School System
 - d. Consider more police substations in high crime areas
 - e. Create jobs and housing opportunities for adult/youth re-entering the community from the correctional system
 - f. Address problems created by gang activity
 - g. Explore enhancement of 9-1-1 response time
 - h. Expand crime analysis capabilities through technology
 - i. Provide timely and effective Fire/Rescue/EMS services to all areas and segments of our community
 - j. Provide effective service to our community in the event of a natural, man-made, or other type of disaster
2. Promote/Strengthen Economic Development Opportunities
 - a. Explore a stronger relationship with the Pitt County Development Commission
 - b. Promote public/private partnerships for economic development
 - c. Increase marketing efforts on behalf of the City
Action Item: Host the 2009 North Carolina League of Municipalities Conference

3. Promote Sustainability and Livability of Both Old and New Neighborhoods
 - a. Create walkable/bikeable communities
 - b. Expand the greenway system
Action Item: Create a project schedule for greenway construction
 - c. Enhance citizens' understanding of predatory lending
 - d. Promote community gardens
 - e. Monitor the work of the Blue Ribbon Task Force for the 10-Year Plan to End Chronic Homelessness in Pitt County
 - f. Review and evaluate garbage/trash collection
 - g. Preserve historic homes and businesses
Action Item: Recommend the Historic Preservation Commission consider low interest loans for historic homes and businesses

4. Development Transportation Initiatives
 - a. Upgrade Greenville Boulevard and other State-maintained streets within the city (safety and more attractive)
 - b. Improve pedestrian mobility
 - c. Improve public transit
 - d. Explore ways to finance construction of new streets
 - e. Move the railroad switching yard
 - f. Work with railroad companies to better maintain railroad properties
 - g. Initiate passenger rail service out of Greenville
Action Item: Work with NCDOT and AMTRAK to get shuttle service to Rocky Mount and Wilson
 - h. Improve commercial air service

5. Keep Planning Ahead of Anticipated Growth
 - a. Encourage use of the planned unit development zoning classification
 - b. Regional/Urban Design Assistance Team
 - c. Review and update the Manual of Standard Design and Specifications (with input from citizens and developers)
 - d. Update the Comprehensive Plan

6. Enhance Cultural and Recreational Opportunities
 - a. Provide better and improved park/recreation facilities in underserved neighborhoods
 - b. Create a playful city (KaBoom!)
 - c. Develop strategies for ensuring more open space and neighborhood parks
 - d. Establish a nonprofit to enhance recreation projects/parks
 - e. Partner with East Carolina University for the construction and participation in a performing arts center
 - f. Promote cultural entertainment in the downtown area
Action Item: Explore opportunity of private sector support for restoration of White's Theater

7. Enhance Understanding and Increase Broader Citizen Participation in City Government
 - a. Continue to look at ways to improve communication with citizens through the media, primarily GTV-9
 - b. Continue to monitor and get citizen feedback from the citizen action line
 - c. Inform neighborhoods of issues that impact them
Action Item: Develop a system for notifying neighborhoods of group home requests
 - d. Keep promoting the Talent Bank (increase recruitment)

8. Enhance Diversity
 - a. Enhance race relations
 - b. Promote inclusive communities
 - c. Promote an inclusive community that is respectful of all faiths
Action Item: Human Relations Council to involve dialogue with interfaith organizations
 - d. Increase the awareness of the wide range of diversity in the City/our community and the contributions to our city

9. Promote Effective Partnerships
 - a. Stay engaged with student groups such as ECU Student Government Association
 - b. Address extraterritorial jurisdiction (ETJ) issues
 - c. Encourage cooperation of fellow governmental agencies
 - d. Initiate contact with the Pitt County Board of Education about possible summit of Pitt County municipalities
 - e. Explore stronger partnership with such agencies as the Pitt County Commission, University Health Systems, and East Carolina University
Action Item: Receive, at least annually, a report on medical center developments and issues

10. Promote Sound Environmental Policies
 - a. Involve all citizens in recycling
 - b. Monitor air quality situation
 - c. Implement the US Mayors Climate Protection Agreement
 - d. Work with ECU to address environmental issues
 - e. Enhance energy efficiency and reduce energy consumption
Action Item: Explore the possibility of developing a minimum energy efficiency code
 - f. Further investigate PGV Airport noise, vibration, and fumes experienced by citizens in nearby neighborhoods, and find solutions to the problem
 - g. Create a community climate protection plan that includes, but is not limited to, energy reduction goals for the community
 - h. Proactively work with GUC and other agencies to educate community about energy efficiency/weatherization

City Manager Bowers informed the Council that this information would be put together and provided to them for their approval at a March City Council meeting.

CITY COUNCIL PROCEDURE ISSUES

Thursday Meeting Time

Council Member Mercer suggested changing the meeting time of the Thursday night meetings from 7:00 until 6:00 p.m. He referred to information that the Council had been provided that indicated that out of 13 groups surveyed that have more than one meeting a month, 9 have their meetings begin at the same time. Realizing that the City calendars had already been published for 2009, Council Member Mercer made a motion to change the meeting time of the Thursday night meetings to 6:00 and to start the public hearings at 7:00. The motion was seconded by Mayor Pro-Tem Council and failed with a 2:4 vote. Mayor Pro-Tem Council and Council Member Mercer voted in favor of the motion. Council Members Glover, Kittrell, Spell and Joyner voted in opposition.

How the Council Appoints Citizens to Boards and Commissions

Council Member Joyner expressed that a fairer way of making appointments to boards and commissions is for each Council Member to make an appointment. Discussion occurred on this topic, with other Council Members not being in support of the change.

City Attorney Holec stated that he had been asked to look at how the Housing Authority members are appointed. Currently, they are appointed by the Mayor, and he has been asked to check into having the appointments made by the City Council. Charlotte and Durham are two cities that have obtained special legislation to make this happen, with Charlotte being a good model. The City Attorney was asked to explore looking at this issue when legislative initiatives are considered.

Items asked for by the Council Members during the course of the day included:

- Council Member Kittrell expressed concern about the exorbitant cost of insurance for retirees and stated that he would like for the City Council to address that.
- Council Member Joyner would like to have an abbreviated financial report at the Monday night meetings.
- Council Member Glover suggested trying to get legislation for a change in the structured sentencing laws.
- Council Member Joyner asked that the Council be provided the minutes of the Pitt County Development Commission.
- Council would like to have a report on the Mayor's meetings with Joel Butler.
- Council asked that the City Manager explore looking at having the Council make appointments to the Greenville Housing Authority when legislative initiatives are considered.

ADJOURN

There being no further business to discuss, motion was made by Council Member Spell and seconded by Council Member Joyner to adjourn the meeting at 4:35 p.m.

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Respectfully submitted,

Wanda T. Elks

Wanda T. Elks
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
January 26, 2009

The Greenville City Council met in a regular meeting on the above date at 6:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by prayer by Mayor Dunn and the pledge of allegiance to the flag. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem Mildred A. Council
Council Member Rose H. Glover
Council Member Max Joyner, Jr.
Council Member Bryant Kittrell
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

ABSENT: Council Member Larry Spell

APPROVAL OF AGENDA

Motion was made by Council Member Glover and seconded by Council Member Joyner to approve the agenda as presented. Motion carried unanimously.

NEW BUSINESS

Authorization to Submit Grant Application for Neighborhood Stabilization Program to North Carolina Department of Commerce's Division of Community Assistance

Senior Planner Sandra Anderson informed the Council that staff is asking for authorization to submit a grant application for the Neighborhood Stabilization Program. Funds were appropriated by Congress to provide emergency assistance to state and local governments to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within their communities. The Program provides grants to every state and certain local communities to purchase foreclosed or abandoned homes and to rehabilitate, resell, or redevelop these homes in order to stabilize neighborhoods and stem the decline of house values of neighboring homes. The program is authorized under Title III of the Housing and Economic Recovery Act of 2008 as an adjunct to the Community Development Block Grant Program. The statutory purpose of the program funding is to address areas hardest hit and negatively impacted by the recent housing crisis through foreclosures, subprime related mortgages, and delinquencies. In North Carolina, the Department of Commerce's Division of Community Assistance will administer the distribution of funds. The state used various public and private data sources to help define the greatest need areas. The initial data included all 100 counties, and the counties with 1,000 or more foreclosure starts were analyzed further. Further

analysis was conducted through zip code level data which included review of foreclosure need scores and HUD risk scores. The Division of Community assistance identified 23 counties/areas, including Pitt County. The City's proposed target areas include Census Tracts 0003.00 (5321 units), 0005.00 (6037 units), 0006.00 (8446 units), 0007.01 (1209 units), 0007.02 (1946 units), 0008.00 (1422 units), and 0013.00 (6989 units). Grant awards will range from \$2 million to \$5 million. Staff proposes requesting \$3,265,000 for the City of Greenville, which includes five percent for administrative costs. No match is required.

Mayor Dunn declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Staff was asked to provide to Council a copy of the power point presentation and a GIS map with the street names.

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Council to authorize staff to submit an application to the North Carolina Division of Community Assistance and to authorize the Mayor to sign all required application submission documents. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Mercer and seconded by Council Member Glover to adjourn the meeting at 6:12 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks

Wanda T. Elks
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
February 9, 2009

The Greenville City Council met in a regular meeting on the above date at 6:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by prayer by Mayor Dunn and the pledge of allegiance to the flag. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem Mildred A. Council
Council Member Rose H. Glover
Council Member Max Joyner, Jr.
Council Member Bryant Kittrell
Council Member Calvin Mercer
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

ABSENT: Council Member Larry Spell

APPROVAL OF AGENDA

Motion was made by Council Member Glover and seconded by Council Member Joyner to approve the agenda as presented. Motion carried unanimously.

CONSENT AGENDA

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Mercer to approve all items under consent agenda as follows. Motion carried unanimously.

- 1) Resolution accepting dedication of rights-of-way and easements for Ridgewood Elementary School and Ashcroft Village, Section 2 (Resolution No. 09-02)
- 2) Resolution designating the Director of Public Works with the authority to sign and execute all papers and documents in connection with mosquito control (Resolution No. 09-03)
- 3) Resolution declaring certain surveying equipment as surplus and authorizing its disposition to Pitt Community College (Resolution No. 09-04)
- 4) Resolution declaring police canine Billy as surplus property and authorizing his disposition to Officer Bobby Parker (Resolution No. 09-05)
- 5) Electric capital projects budget ordinance and reimbursement resolution for Greenville Utilities Commission's electric system enhancement projects (Ordinance No. 09-08)
- 6) Budget ordinance amendment #8 to the FY 2008-2009 City of Greenville budget and budget ordinance amendments to the West Greenville Revitalization and Center City Revitalization Capital Project Funds (Ordinance No. 09-09)
- 7) Report on bids awarded

8) Tax refund

PRESENTATIONS TO BOARDS AND COMMISSIONS

Board of Adjustment

Ms. Ann Bellis, Vice Chair, explained the purpose of the Board of Adjustment. She further explained that during the past year, the Board of Adjustment had heard 27 special use permit requests and one request to appeal the decision made by the Historic Preservation Commission.

APPLICATION FOR A NATIONAL PARK SERVICE HISTORIC PRESERVATION FUND
“PASS THROUGH” GRANT – APPROVED

Mr. Tom Wisemiller, Planner, informed the Council that the Historic Preservation Commission has developed a grant proposal to support Phase I of strategic preservation planning. The first phase would combine historic property identification and survey work with other strategic planning work. With the help of the Eastern Office of Archives and History, a Historic Preservation Commission Ad Hoc Committee and staff have already developed a preliminary index of unsurveyed historic properties in Greenville. Grant funds would allow the City to hire a preservation consultant to complete the index based on a windshield survey. Additional grant funds would also support the completion of a full inventory of the highest priority neighborhood not yet surveyed. Staff is seeking \$11,000 in federal funds from the grant program, which would cover approximately 60% of total Phase I costs. The grant requires 40% match, and \$7,500 is available in the Urban Development Division’s budget. Phase II is dependent on the availability of future outside grant sources. In addition, this work will address concerns and goals of the Historic Preservation Commission as well as City Council in providing the public with additional information on properties that are considered historic or within a district. This application is being recommended by the Historic Preservation Commission and was approved by the Commission at its January 27, 2009 meeting.

Motion was made by Council Member Mercer and seconded by Council Member Joyner to approve the National Park Service Historic Preservation Fund “Pass Through” Grant application. Motion carried unanimously.

CONVENTION CENTER NAMING RIGHTS REQUEST FOR PROPOSALS – APPROVED

Assistant City Manager Thom Moton reminded the Council that at its November 6, 2008 meeting, the City Council authorized staff to prepare a request for proposals for naming rights to the Greenville Convention Center. As advised by staff at the meeting, the City received a written request from Exhibit Hall Managers, Convention Center operator, seeking to exercise the naming rights provision in the Convention Center Development, Pre-Opening, and Operational Agreement, Section 9.0 dated September 11, 2000. Staff also advised the Council that it would present for its consideration the instrument seeking proposals. The Naming Rights Steering Committee was composed of John Van Coutren (Greenville Convention Center), Debbie Vargas (Convention and Visitors Bureau), Roy Herrick (Exhibit Hall Managers, Chief Financial Officer), Tom Tysinger (Hampton Inn), Dave Holec (City Attorney), Scott Eaton (City

Manager's Office Intern) and Thomas Moton (Assistant City Manager). Naming of the convention center would result in associating a quality and high profile corporate name with the Greenville Convention Center. This opportunity will build a partnership between the private and public sectors. The request for proposals was created to select the best proposal to meet the City's needs. There will be no direct expense to the City.

Mr. Scott Eaton stated that he researched various municipal approaches, both sporting venues and convention centers, to survey the best approaches to drafting the request for proposals. Examples of communities that had given naming rights for their convention centers, arenas, etc. included Rabobank Arena in Bakersfield, California; Touchstone Energy Place at River Centre in St. Paul, Minnesota; Hy-Vee Hall in Des Moines, Iowa; Shaw Convention Center in Edmonton, Alberta, Canada; Duke Energy Center (formerly Cincinnati CInergy Convention Center); Midwest Airlines Center in Milwaukee, Wisconsin; Cox Business Service Convention Center in Oklahoma City, OK; and Alliant Energy Center in Madison, Wisconsin. Local naming rights agreements include locations at East Carolina University, Pitt Community College, and the Chamber of Commerce. The name of the convention center will appear on the street side marquee sign, the front and west entrances, all entry doors, and on directional signage within the convention center.

Mr. Eaton continued by stating that the Convention Center opened in May 2002. It is a 60,000 square foot facility, which features a 30,000 square foot exhibit hall with 28 foot ceilings that is capable of being subdivided into five individual sections, with 12,000 square feet of pre-function space and breakout meetings rooms. It can handle 3,000+ people and has a banquet capacity of 2,200+ persons. The convention center is on a 32-acre campus that includes three hotels (141-room Greenville Hilton, 192-room City Hotel and Bistro, and 100-room Hampton Inn that is scheduled to open July 2009).

Mr. John VanCoutren stated that corporate representatives have shown prior interest in a naming rights agreement for the convention center. The selection criteria to be used will be the financial structure; terms; exclusivity requests; proposed facility name; joint marketing initiatives to promote, market and support the facility; and corporate partner financial stability. The timetable for this project is:

February 9	RFP presented to Greenville City Council for consideration to seek proposals
February 10	RFPs mailed to target list and posted on the City, Convention Center, and Convention and Visitors Authority websites
February 16	Advertise in <u>The Daily Reflector</u>
March 5	Pre-bid conference
March 13	Deadline to submit notice of intent to submit proposal
March 27	RFPs due
March 30-April 27	Steering Committee review/evaluate RFPs
May 11	City Council consideration of proposal

City Attorney Holec stated that the City of Greenville, as owner of the facility, retains the authority to grant naming rights for the Greenville Convention Center. The naming rights

contract between the City and the successful respondent will set the parameters of the agreement and all responsibilities of both parties. The naming rights cap of \$181,473 is a legal requirement since tax exempt bonds were used to finance the construction of the Center. Any amount up to the naming rights cap is to be placed in a Naming Rights Fund reserved for replacement and additions to furniture, fixtures and equipment for the Center. Any amount above the naming rights cap will be revenue collected by Exhibit Hall Managers based on its operation of the Center.

Staff was asked to advertise in The M Voice and The Daily Drum newspapers.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to approve the convention center naming rights request for proposal as presented. Motion carried unanimously. (Document No. 09-04)

AUTHORIZATION TO SUBMIT GRANT APPLICATION FOR NEIGHBORHOOD STABILIZATION PROGRAM TO NORTH CAROLINA DEPARTMENT OF COMMERCE'S DIVISION OF COMMUNITY ASSISTANCE – APPROVED

Director of Community Development Merrill Flood informed the Council that staff is asking for authorization to submit a grant application for the Neighborhood Stabilization Program. Funds were appropriated by Congress to provide emergency assistance to state and local governments to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within their communities. The Program provides grants to every state and certain local communities to purchase foreclosed or abandoned homes and to rehabilitate, resell, or redevelop these homes in order to stabilize neighborhoods and stem the decline of house values of neighboring homes. The program is authorized under Title III of the Housing and Economic Recovery Act of 2008 as an adjunct to the Community Development Block Grant Program. The statutory purpose of the program funding is to address areas hardest hit and negatively impacted by the recent housing crisis through foreclosures, subprime related mortgages, and delinquencies. In North Carolina, the Department of Commerce's Division of Community Assistance will administer the distribution of funds. The state used various public and private data sources to help define the greatest need areas. The initial data included all 100 counties, and the counties with 1,000 or more foreclosure starts were analyzed further. Further analysis was conducted through zip code level data which included review of foreclosure need scores and HUD risk scores. The Division of Community assistance identified 23 counties/areas, including Pitt County. The City's proposed target areas include Census Tracts 0003.00 (5321 units), 0005.00 (6037 units), 0006.00 (8446 units), 0007.01 (1209 units), 0007.02 (1946 units), 0008.00 (1422 units), and 0013.00 (6989 units). Grant awards will range from \$2 million to \$5 million. Staff proposes requesting \$3,265,000 for the City of Greenville, which includes five percent for administrative costs. No match is required.

Mayor Dunn declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Staff was asked to provide to Council a copy of the power point presentation and a GIS map with the street names.

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Council to authorize staff to submit an application to the North Carolina Division of Community Assistance and to authorize the Mayor to sign all required application submission documents. Motion carried unanimously.

LEGISLATIVE INITIATIVES FOR THE 2009 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

City Attorney Holec informed the Council that the 2009 session of the North Carolina General Assembly convened at 12:00 noon on Wednesday, January 28, 2009. The deadline for submitting bills to the General Assembly's Legislative Bill Drafting and the deadline for the introduction of bills have been established. For the House, local bills are to be submitted to Bill Drafting no later than March 18, 2009, and filed no later than April 1, 2009, and public bills are to be submitted to Bill Drafting no later than March 26, 2009, and filed no later than April 8, 2009. For the Senate, local bills are to be submitted to Bill Drafting no later than March 3, 2009, and filed no later than March 11, 2009, and public bills are to be submitted to Bill Drafting no later than March 13, 2009, and filed no later than March 25, 2009. Discussion by Council of issues and local acts which it desires to pursue with the local legislative delegation during this Session should occur at this time so that the City's legislative initiatives can be developed and identified. Upon Council reaching a consensus, resolutions for Council's consideration will be presented at its Thursday, February 12, 2009 meeting, which will request the City's local legislative delegation seek enactment of identified initiatives during the Session. Based upon the input received from Council Members and City staff, some potential legislative initiatives for Council to consider for this session or future sessions have been developed and are as follows:

- Update of Current Law on City-initiated Annexation. Support the enactment of reasonable adjustments to the current law on City-initiated annexation while retaining the general framework and principles of the current law. North Carolina's annexation laws have helped keep tax rates low for city residents and businesses, attract new jobs, and protect property values, the environment and bond and credit ratings. Cities provide services and amenities such as transportation, public safety, recreation, economic development, shopping and jobs which benefit not only city residents, but also those living outside the city. The current law is based upon the principle that urban areas near a city which benefit from city services and amenities should become a part of the city and help pay for the cost of the benefits which they are enjoying. The North Carolina League of Municipalities has pledged to work with legislators to develop reasonable amendments to the law and have prepared a proposal of twenty (20) items to be addressed which would result in improvements to the law. However, opponents to City-initiated annexations are seeking more extensive amendments which would result in many appropriate annexations not being accomplished. It is important that cities maintain the ability to annex on their own initiative when the area is developed to specified urban standards and the city is committed to providing municipal services.

The consensus of the Council was to pursue this legislative initiative.

- East Carolina Capital and Operating Priorities. Support East Carolina University in its efforts to receive its capital and operating priorities for 2009-2011. Funding of these priorities will have a significant economic impact on the City of Greenville and, for some of the priorities, provide medical or dental service to underserved populations of North Carolina. The capital priority is a request for \$15.16 million in planning funds for the design and construction of a new life science and biotechnology building. The operating priorities include (1) a request for \$5 million (\$3 million in FY 2010 and \$2 million in FY 2011) for the Brody School of Medicine to provide indigent care; (2) a request of \$14 million (\$6 million in FY 2010 and \$8 million in FY 2011) to assist in the implementation of the new School of Dentistry; (3) a request of \$300,000 in operating funds for the Heart Institute to help improve preventive and interventional measures for patients who are already symptomatic of cardiovascular disease; and (4) a request of \$4 million (\$2 million for FY 2010 and \$2 million for FY 2011) to be split equally between the Brody School of Medicine and UNC Chapel Hill School of Medicine to support the planning and initial implementation of an expanded medical student class size.

The consensus of the Council was to pursue this legislative initiative. Mayor Pro-Tem Council added that East Carolina University needs to have more diversity in its project planning and providing the infrastructure.

- Authority to Appoint Housing Authority Commissioners. Seek the enactment of a local act which would provide that commissioners of the Housing Authority of the City of Greenville are appointed by City Council. A change in the appointment authority from the Mayor to City Council would result in the decision on appointments being made by the entire governing board. North Carolina General Statute 157-5 provides that commissioners of a housing authority are appointed by the Mayor. This law applies to each North Carolina city which has a Housing Authority unless it is modified by an act of the General Assembly. Of the approximately 88 city housing authorities in North Carolina, there are three (3) housing authorities which have an act which modifies this appointing authority - Charlotte, Durham, and Wilson. Charlotte's act provides that the Mayor and Council may develop a plan and adopt the necessary ordinances or resolutions to provide that the Mayor shall appoint one-third of the membership and the City Council appoint two-thirds of the membership of the Housing Authority (this has been accomplished with the Charlotte Mayor appointing two (2) commissioners and the City Council appointing five (5) commissioners). Durham's act provides that the Durham City Council appoints the commissioners. Wilson's act provides that the Wilson Mayor and City Council fill the vacancies in the office of commissioner (the practice in Wilson is for the Mayor to make these appointments).

After discussion about whether to change the term limits and exactly how the appointments might be made, it was the consensus of the Council to not ask for a change in the term limits yet and to ask for appointive powers for the entire board to be by the entire Council.

- Increase in Motor Vehicle Tax. Seek authority for the City to levy an additional annual motor vehicle tax of \$5. North Carolina General Statute 20-97 authorizes cities to levy a motor vehicle tax upon any motor vehicle resident within the city. Unless modified by a local act, the tax may not exceed \$5 per year for any lawful purpose and \$5 per year for

public transportation purposes. Several cities have local acts which increase the allowable tax not limited by G.S. 20-97 for public transportation purposes. Among these are Charlotte (\$30), Matthews (\$30); Carrboro (\$25), Chapel Hill (\$25), Cornelius (\$20), Davidson (\$20), Huntersville (\$20), Mint Hill (\$20), Murfreesboro (\$20), Pineville (\$20), Raleigh (\$20), and Winston Salem (\$20). Except for those cities which levy \$30, each city may also levy the additional \$5 for public transportation purposes. Some of these local acts specify a limited purpose for which the proceeds from the tax can be used. As a result of a 1993 local act, the City of Greenville has the authority to levy a motor vehicle tax of \$20 per year for any lawful purpose (in addition to its authority to levy \$5 per year for public transportation purposes). The City currently levies \$20 for any lawful purpose and this was anticipated to generate \$714,000 during the current budget year. An additional \$5 would generate approximately \$180,000 additional revenue. With the additional authority requested, the revenue could be used for any lawful purpose including the purpose of funding street maintenance and improvements.

It was the consensus of the Council not to pursue this item.

- Expansion of Eligibility for Mill Rehabilitation Tax Credit. Seek enactment of legislation which will expand the eligibility for the Mill Rehabilitation Tax Credit to include the renovation of former mill sites in addition to the renovation of old mill buildings. The expansion of eligibility could have a direct bearing on renovations to the Imperial Tobacco Warehouse site and the Albemarle Warehouse site. Currently, the credit is limited to a site which (a) was used as a manufacturing facility or for purposes ancillary to manufacturing, as a warehouse for selling agricultural product or as a public or private utility; (b) is a certified historic structure or a State-certified historic structure; and (c) has been at least 80% vacant for a period of two (2) years. The credit is available if at least \$3 million of qualified expenditures occur. The tax credit can be claimed against either income tax, the corporate franchise tax, or the insurance company gross premium tax. The credit expires on January 1, 2011 for rehabilitation projects for which an application for an eligibility certification is submitted on or after that date. The South Carolina Textiles Communities Act provides for tax credits for a former mill site for rehabilitation expenses within the boundaries where the facility was located. The South Carolina law includes renovations, improvements, and redevelopment whether or not qualified historic rehabilitation receiving federal tax credits are involved. This results in increased opportunity for revitalization of these sites and, therefore, the community in which the sites are located. This South Carolina law could be used as a model for the expansion of eligibility for the Mill Rehabilitation Tax Credit in North Carolina.

It was the consensus of the Council to pursue this item.

City Attorney Holec informed the Council that he will prepare resolutions and have them ready for Council consideration at the February 12, 2009 meeting.

REVIEW OF FEBRUARY 12, 2009 CITY COUNCIL AGENDA

The City Council did a cursory review of the February 12, 2009 City Council agenda and reviewed appointments to boards and commissions.

COMMENTS FROM MAYOR AND CITY COUNCIL

The Council Members gave general comments.

CITY MANAGER'S REPORT

City Manager Wayne Bowers informed the Council that he will need direction on the February 23 meeting, as there are currently no items to place on the agenda. He will ask for direction at the end of the February 12, 2009 meeting.

ADJOURN

Motion was made by Council Member Mercer and seconded by Council Member Glover to adjourn the meeting at 8:00 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks

Wanda T. Elks
City Clerk

MINUTES PROPOSED FOR ADOPTION BY CITY COUNCIL

Greenville, NC
February 12, 2009

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by prayer by Mayor Pro-Tem Council and the pledge of allegiance to the flag. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem Mildred A. Council
Council Member Rose H. Glover
Council Member Max Joyner, Jr.
Council Member Bryant Kittrell
Council Member Calvin Mercer
Council Member Larry Spell
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

Mayor Dunn welcomed Boy Scout Troop No. 9 from Covenant Church to the meeting.

APPROVAL OF AGENDA

Motion was made by Council Member Spell and seconded by Council Member Joyner to approve the agenda as presented. Motion carried unanimously.

SPECIAL RECOGNITIONS

The Housing Division of the Community Development Department was presented a plaque for receiving the Audrey Nelson Community Development Achievement Award on January 30. The Department is one of nine across the nation that was recognized for innovative use of Community Development Block Grant funds.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Affordable Housing Loan Committee

Motion was made by Council Member Glover and seconded by Council Member Joyner to elevate Howard Conner from an alternate to a regular member, filling an unexpired term that expires February 2010, and to appoint Latisha Harris as the alternate member for a first term to expire February 2011. Motion carried unanimously.

Firefighters' Relief Fund Committee

City Clerk Wanda Elks announced that there are no talent bank forms for this Committee; however, they are being sought. She requested that the appointment be continued until March.

Public Transportation and Parking Commission

Motion was made by Council Member Joyner and seconded by Council Member Spell to reappoint Don Anderson for a second term to expire January 2012 and to continue the replacement for Robert Thompson, who is ineligible for reappointment. Motion carried unanimously.

Sheppard Memorial Library Board

Motion was made by Council Member Glover and seconded by Council Member Joyner to appoint Ralph Scott to replace William Grau, who resigned, to fill an unexpired term that expires October 2009. Motion carried unanimously.

ORDINANCE REQUESTED BY JEREMY SPENGE MAN TO AMEND THE DEFINITION OF "CONVENTIONAL RESTAURANT" – CONTINUED; DINING AND ENTERTAINMENT ESTABLISHMENT USE AND ASSOCIATED STANDARDS ORDINANCE REFERRED TO PLANNING AND ZONING COMMISSION

Mr. Harry Hamilton, Senior Planner, stated that this issue (restaurant definition amendment and dining and entertainment use ordinance) was continued from the December 11, 2008 meeting to tonight to afford adequate time for further input by the applicant and neighborhood representatives. The continuance has allowed adequate time for staff to compile comments and recommendations on the original draft dining and entertainment ordinance. The public has not provided final comments on the revised draft as of this time. Additional input will be considered at the time of the Planning and Zoning Commission review of the ordinance. The three main goals per City Council direction included: (1) develop a compromise ordinance designed to reach common ground, (2) insure the viability of the Unk's business, and (3) protect the neighborhood's residential interests through mitigation of incompatible attributes. The applicant and Tar River University Neighborhood Association (TRUNA) representatives met on January 15, 2009 to discuss the original draft and the TRUNA board met on January 28, 2009 to prepare an official TRUNA recommendation. Letters from both the applicant and TRUNA were included in the agenda materials as well as information submitted from other interested persons. The revised draft ordinance represents the staff's recommendations after considering all comments received from interested persons. The original December draft included nine basic sections, all of which are included in the revised draft, some with modifications. Those modifications include:

- (1) a new definition for dining and entertainment establishment
- (2) amended definitions for restaurants
- (3) special use permit criteria for those cases subject to special use permit approval of the Board of Adjustment

- (4) ordinance imposed criteria for those cases where a dining and entertainment establishment is a permitted use
- (5) an amended definition of “outdoor activities” to include amplified outdoor audio sound
- (6) a new section requiring all restaurants to maintain food sales records for one year
- (7) an amended public/private club parking standard
- (8) a dining and entertainment establishment parking requirement
- (9) table of use listing

Mr. Hamilton continued by stating that the revised draft includes the following changes and additions:

- (1) a maximum mechanically conditioned floor area requirement of 7,000 square feet
- (2) a minimum separation requirement of 200 feet
- (3) allows an admission charge (cover) during any period of operation
- (4) clarifies the meaning of amplified audio entertainment
- (5) maintains the 11:00 p.m. cut-off for amplified audio entertainment for the period Sunday through Thursday, except as further specified for the “special period of operation”
- (6) establishes a 2:00 a.m. cut-off for amplified audio entertainment on Friday and Saturday
- (7) extends the amplified audio entertainment cut-off to 2:00 a.m. for the “special period of operation”—December 31 (New Years Eve)
- (8) changes the earliest time permitted for amplified audio entertainment any day from 8:00 a.m. to 11:00 a.m.
- (9) establishes a security requirement for all establishments that are located within 500 feet of a residential zoning district when the establishment provides or utilizes amplified audio entertainment after 11:00 p.m. on any day
- (10) establishes a security personnel requirement proportional to the maximum number of persons permitted to occupy the building
- (11) changes the earliest time permitted for amplified audio entertainment any day from 8:00 a.m. to 11:00 a.m.
- (12) establishes a security requirement for all establishments that are located within 500 feet of a residential zoning district when the establishment provides or utilizes amplified audio entertainment after 11:00 p.m. on any day
- (13) establishes a security personnel requirement proportional to the maximum number of persons permitted to occupy the building

Mr. Hamilton stated that staff’s recommendation is that City Council (1) continue the original request to amend the definition of restaurant to the first regular Thursday City Council meeting occurring after the City Council public hearing and vote on the dining and entertainment establishment ordinance, and (2) initiate an amendment by forwarding the revised draft of an ordinance to create a dining and entertainment establishment use to the Planning and Zoning Commission for their review and recommendation, including any recommendations for amendment of the revised draft ordinance. Mr. Hamilton stated that March 17 is the next meeting that this could be considered by the Planning and Zoning Commission. If approved by Council, staff will send out notice to all neighborhoods that asked to comment in November. Notice will be sent to the Chamber of Commerce as well as the Tar River University Neighborhood Association (TRUNA) via e-mail. The Planning and Zoning Commission would

consider the request in the same manner as it would consider any amendment to the Code. The Planning and Zoning Commission may wish to continue it for further study. He anticipates that they would take action within 60 days. The City Council would then have the ability to approve it as recommended, as revised, or add amendments to the proposal for final action.

After questions from Council Members about the amplified sound, security, and possible change in times, the Council decided that instead of addressing those issues tonight, it would be best to address those after the public hearing process. The business and neighborhood was commended for getting together on this issue.

Upon being asked if the neighborhood and Unks are okay with the new request, Mr. Hamilton replied that it has not been commented on in writing by Unks or the neighborhood. The information was sent to them late last week.

Motion was made by Council Member Kittrell and seconded by Mayor Pro-Tem Council to continue this request and to initiate an amendment by forwarding the revised draft of an ordinance to create a dining and entertainment establishment use and associated standards to the Planning and Zoning Commission for their review and recommendation including any recommendations for amendment of the revised draft ordinance. Motion carried unanimously.

ORDINANCE TO ANNEX BARFIELD PROPERTIES, LLC PROPERTY CONTAINING 11.5837 ACRES LOCATED ALONG CHAPMAN DRIVE BETWEEN ITS INTERSECTIONS WITH SOUTH MEMORIAL DRIVE AND WITHLEY DRIVE – ADOPTED

City Manager Wayne Bowers reported that advertisement was placed in The Daily Reflector on February 2, 2009 setting this time, date and place for a public hearing to consider the annexation of Barfield Properties, LLC property containing 11.5837 acres located along Chapman Drive, between its intersections with South Memorial Drive and Whitley Drive.

Director of Community Development Merrill Flood informed the Council that the property is contiguous to the primary city limits. It is located in Voting District #5. The property is currently vacant, and the proposed use is for 96,638 square feet of heated commercial space. There is currently no population, and there is no anticipated population at full development. The property is 1.71 miles from Fire Rescue Station No. 5.

Mayor Dunn declared the public hearing open and solicited comments. There being none, the public hearing was closed.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to adopt the ordinance annexing Barfield Properties LLC property. Motion carried unanimously. (Ordinance No. 09-12)

ORDINANCE TO ANNEX GATEWAY WEST, PHASE I LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF US HIGHWAY 264 AND OLD STANTONSBURG ROAD – ADOPTED

Mr. Merrill Flood, Director of Community Development, stated that advertisement was placed in The Daily Reflector on February 2, 2009, setting this time, date and place for a public hearing to consider the annexation of Gateway West, Phase 1, containing 6.93 acres located at the southwest corner of the intersection of US Highway 264 and Old Stantonsburg Road. The property is contiguous to the primary city limits and is in Voting District #1. The property is currently vacant, and it is anticipated that approximately 61,000 square feet of heated commercial space will be on the property at full development. The anticipated population at full development is 0. The property is 1.67 miles from Fire Rescue Station #2.

Mayor Dunn declared the public hearing open and solicited comments. There being none, the public hearing was closed.

Motion was made by Council Member Mercer and seconded by Council Member Glover to adopt the ordinance annexing Gateway West, Phase 1. Motion carried unanimously. (Ordinance No. 09-13)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROPOSED 2009-2010 ANNUAL ACTION PLAN - APPROVED

Mr. Merrill Flood, Director of Community Development, stated that that as a requirement of HOME Investment Partnerships Program and Community Development Block Grant (CDBG) funding, all participating jurisdictions must prepare and submit an Annual Action Plan detailing how funds will be spent and on what activities. The Housing Division is in the process of identifying activities for the upcoming 2009-2010 fiscal year in accordance with the City of Greenville Consolidated Plan, which covers fiscal years 2008-2013. An Annual Plan must be submitted for each year of the five-year Consolidated Plan. The Annual Action Plan process requires two public hearings to give citizens an opportunity to participate and provide comments. The purpose of the first public hearing is to present a preliminary budget of activities, receive suggestions/comments on other eligible activities, and approve the completion schedule. The schedule is as follows:

January 12, 2009	Deadline for submission of subrecipient applications for funding
February 6, 2009	Notice of public hearing
February 12, 2009	First public hearing
March 11, 2009	Affordable Housing Loan Committee review/ recommendation of funding nonprofits
March 13, 2009	Deadline for submission of Community Housing Development Organization (CHDO) applications
March 23, 2009	Draft of Annual Action Plan/staff review
March 30-April 30, 2009	Thirty day public comment period
April 8, 2009	Affordable Housing Loan committee review of draft Annual Action Plan
May 4, 2009	Notice of Public Hearing
May 14, 2009	Second and final public hearing
May 14, 2009	City Council adoption/resolution

May 15, 2009

Submission to US Department of HUD

The proposed use of the funds included:

Proposed Uses of Federal & Local Funds in FY 2009 (Leveraging Of Funds)							
Program / Activity	CDBG Funds	HOME Funds	Other Federal	Housing Bonds	Local Funds	Total	Proposed Units
HOUSING							
AFFORDABLE HOUSING							
Downpayment Assistance	\$0	\$122,500	\$0	\$0	\$30,000		5
Housing Rehabilitation	\$150,000	\$120,000	\$0	\$100,000	\$0		6
New Construction	\$0	\$320,000	\$0	\$270,000	\$0		3
Sub-Total	\$150,000	\$562,500	\$0	\$370,000	\$30,000	\$1,112,500	14
ADMINISTRATION							
City of Greenville	\$157,000	\$75,000	\$0	\$0	\$300,000		8
Sub-Total	\$157,000	\$75,000	\$0	\$0	\$300,000	\$532,000	8
CHDO							
		\$112,500	\$0	\$0	\$0		1
Sub-Total	\$0	\$112,500	\$0	\$0	\$0	\$112,500	1
PUBLIC SERVICE							
Housing Counseling	\$25,000	\$0	\$0	\$0	\$0		35
Job Training	\$25,000	\$0	\$0	\$0	\$0		25 jobs
Counseling & Outreach	\$15,000	\$0	\$0	\$0	\$0		15
Homeless-10 year Plan	\$30,000	\$0	\$0	\$0	\$0		1 job
Youth Development	\$10,000	\$0	\$0	\$0	\$0		
Contingency	\$10,000	\$0	\$0	\$0	\$0		
Sub-Total	\$115,000	\$0	\$0	\$0	\$0	\$115,000	50
REVITALIZATION							
Acquisition	\$50,000	\$0	\$0	\$0	\$0		4
Clearance/Demolition	\$30,000	\$0	\$0	\$30,000	\$0		8
Relocation	\$10,000	\$0	\$0	\$30,000	\$0		4
Public Facility Improvements	\$50,000	\$0	\$0	\$0	\$0		3
Sub-Total	\$140,000	\$0	\$0	\$60,000	\$0	\$200,000	19
Total	\$562,000	\$750,000	\$0	\$430,000	\$330,000	\$2,072,000	92
ECONOMIC DEVELOPMENT							
Infrastructure Improvement	\$35,000	\$0	\$0	\$0	\$0		5 jobs
Business Incubator	\$200,000	\$0	\$0	\$0	\$0		25 jobs
Economic Development Total	\$235,000	\$0	\$0	\$0	\$0	\$235,000	0
PROGRAM INCOME							
Housing Rehab	\$10,000	\$0	\$0	\$0	\$0		1
Downpayment Assistance	\$0	\$10,000	\$0	\$0	\$0		1
Program Income Total	\$10,000	\$10,000	\$0	\$0	\$0	\$20,000	2
PROGRAM DELIVERY							

Program Delivery Total	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0
GRAND TOTALS								
GRAND TOTALS	\$807,000	\$760,000	\$0	\$430,000	\$330,000	\$2,327,000		94

Mayor Dunn declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

PUBLIC COMMENT PERIOD

There were no persons wishing to speak during the public comment period.

RESOLUTIONS ESTABLISHING STATE LEGISLATIVE INITIATIVES

City Attorney Dave Holec presented resolutions for the four proposed legislative initiatives that he was asked to prepare at the Monday, February 9, 2009, City Council meeting.

Update of Current Law on City-initiated Annexation

City Attorney Holec stated that the first resolution is to support the enactment of reasonable adjustments to the current law on City-initiated annexation while retaining the general framework and principles of the current law. North Carolina’s annexation laws have helped keep tax rates low for city residents and businesses, attract new jobs, and protect property values, the environment and bond and credit ratings. Cities provide services and amenities such as transportation, public safety, recreation, economic development, shopping and jobs which benefit not only city residents, but also those living outside the city. The current law is based upon the principle that urban areas near a city which benefit from city services and amenities should become a part of the city and help pay for the cost of the benefits which they are enjoying. The North Carolina League of Municipalities has pledged to work with legislators to develop reasonable amendments to the law and have prepared a proposal of twenty (20) items to be addressed which would result in improvements to the law. However, opponents to City-initiated annexations are seeking more extensive amendments which would result in many appropriate annexations not being accomplished. It is important that cities maintain the ability to annex on their own initiative when the area is developed to specified urban standards and the city is committed to providing municipal services.

Motion was made by Council Member Joyner and seconded by Mayor Pro-Tem Council to adopt the resolution supporting the enactment of legislation updating the current law on City-initiated annexation. Motion carried unanimously. (Resolution No. 09-07)

East Carolina Capital and Operating Priorities

City Attorney Holec stated that the second legislative initiative is to support East Carolina University in its efforts to receive its capital and operating priorities for 2009-2011. Funding of these priorities will have a significant economic impact on the City of Greenville and, for some

of the priorities, provide medical or dental service to underserved populations of North Carolina. The capital priority is a request for \$15.16 million in planning funds for the design and construction of a new life science and biotechnology building. The operating priorities include (1) a request for \$5 million (\$3 million in FY 2010 and \$2 million in FY 2011) for the Brody School of Medicine to provide indigent care; (2) a request of \$14 million (\$6 million in FY 2010 and \$8 million in FY 2011) to assist in the implementation of the new School of Dentistry; (3) a request of \$300,000 in operating funds for the Heart Institute to help improve preventive and interventional measures for patients who are already symptomatic of cardiovascular disease; and (4) a request of \$4 million (\$2 million for FY 2010 and \$2 million for FY 2011) to be split equally between the Brody School of Medicine and UNC Chapel Hill School of Medicine to support the planning and initial implementation of an expanded medical student class size.

Motion was made by Council Member Mercer and seconded by Council Member Spell to adopt the resolution supporting East Carolina University in its efforts to receive funding for its capital and operating priorities for 2009-2011. Motion carried unanimously. (Resolution No. 09-08)

Authority to Appoint Housing Authority Commissioners

City Attorney Holec stated that the third legislative initiative that he was asked to prepare a resolution for was to seek the enactment of a local act which would provide that commissioners of the Housing Authority of the City of Greenville are appointed by City Council. A change in the appointment authority from the Mayor to City Council would result in the decision on appointments being made by the entire governing board. North Carolina General Statute 157-5 provides that commissioners of a housing authority are appointed by the Mayor. This law applies to each North Carolina city which has a Housing Authority unless it is modified by an act of the General Assembly. Of the approximately 88 city housing authorities in North Carolina, there are three (3) housing authorities which have an act which modifies this appointing authority - Charlotte, Durham, and Wilson. Charlotte's act provides that the Mayor and Council may develop a plan and adopt the necessary ordinances or resolutions to provide that the Mayor shall appoint one-third of the membership and the City Council appoint two-thirds of the membership of the Housing Authority (this has been accomplished with the Charlotte Mayor appointing two (2) commissioners and the City Council appointing five (5) commissioners). Durham's act provides that the Durham City Council appoints the commissioners. Wilson's act provides that the Wilson Mayor and City Council fill the vacancies in the office of commissioner (the practice in Wilson is for the Mayor to make these appointments).

Discussion occurred about whether to change the term limits to three years.

City Attorney Holec explained that two out of 88 cities in North Carolina have special legislation for the terms of office of Housing Authority Members—Charlotte has three year terms and Asheville has four. All others have five. The resolution that has been drafted does not address the length of terms.

Mayor Pro-Tem Council and Council Member Glover suggested changing the length of the terms to three years.

Discussion occurred about the pros and cons of changing the length of the terms.

City Attorney Holec reviewed the method of the City board and commission appointments as spelled out in the City's Boards and Commissions Policy. He explained that it is noted in the Policy that the Housing Authority is excepted from the method of appointment of the members. This will need to be changed if the Council is granted authority to change the method of appointments.

Upon being asked if the Mayor can make the nomination and the Council vote on it, the City Attorney replied that is a possible procedure. The legislation will include that the appointments are made by the Council, and it will be up to the Council to establish the procedure to carry that out. If the method of making the appointments is in the legislation, which is not the way he would recommend it be done, the method is what is approved by the legislature, and Council would not have flexibility in determining the approval method for Greenville. The three cities that have special legislation regarding the appointments do not spell out the nominating process.

After discussion, motion was made by Council Member Glover and seconded by Mayor Pro-Tem Council to adopt a resolution seeking enactment of legislation whereby the Mayor appoints one commissioner of the Housing Authority and the City Council, as a governing body, appoints the remaining commissioners and the terms of office shall be three years. Motion carried unanimously. (Resolution No. 09-09)

Expansion of Eligibility for Mill Rehabilitation Tax Credit

City Attorney Holec stated that the fourth resolution he was asked to draft was to seek enactment of legislation which will expand the eligibility for the Mill Rehabilitation Tax Credit to include the renovation of former mill sites in addition to the renovation of old mill buildings. The expansion of eligibility could have a direct bearing on renovations to the Imperial Tobacco Warehouse site and the Albemarle Warehouse site. Currently, the credit is limited to a site which (a) was used as a manufacturing facility or for purposes ancillary to manufacturing, as a warehouse for selling agricultural product or as a public or private utility; (b) is a certified historic structure or a State-certified historic structure; and (c) has been at least 80% vacant for a period of two (2) years. The credit is available if at least \$3 million of qualified expenditures occur. The tax credit can be claimed against either income tax, the corporate franchise tax, or the insurance company gross premium tax. The credit expires on January 1, 2011 for rehabilitation projects for which an application for an eligibility certification is submitted on or after that date. The South Carolina Textiles Communities Act provides for tax credits for a former mill site for rehabilitation expenses within the boundaries where the facility was located. The South Carolina law includes renovations, improvements, and redevelopment whether or not qualified historic rehabilitation receiving federal tax credits are involved. This results in increased opportunity for revitalization of these sites and, therefore, the community in which the sites are located. This South Carolina law could be used as a model for the expansion of eligibility for the Mill Rehabilitation Tax Credit in North Carolina.

Motion was made by Council Member Kittrell and seconded by Council Member Mercer to adopt the resolution seeking enactment of legislation relating to expansion of eligibility for Mill Rehabilitation Tax Credit. Motion carried unanimously. (Resolution No. 09-10)

COMMENTS FROM MAYOR AND CITY COUNCIL

The Mayor and Council Members made general comments.

Staff was asked to provide to Council Members information on the proposal to have a rent-to-own option for some of the City-owned affordable houses.

CITY MANAGER'S REPORT

Financial Update

City Manager Bowers reported that the December sales tax figures came in yesterday at \$1,160,039, which a 4.1% reduction for that month from last year. The numbers go up and down, and it is difficult to establish a trend. Now that there are six months of figures in the fiscal year, it has been determined that the City is \$478,000 ahead of the same period in the previous year. However, the decline for the month of December is troublesome, because it indicates that overall sales tax is down. Some sales tax is received based on what is obtained statewide and distributed based on population. The other portion is what is received just in Pitt County. Statewide, sales tax is down 16.7%; however, Pitt County's collections are up. If the projected trend of 4% per month continues, the collections for the year will be \$14,473,853, and \$14,368,152 is what was budgeted for the year. If the 4% continues, the City will exceed budget by \$100,000; however, that amount could go down.

City Manager Bowers stated that through the month of January, \$26.2 million had been collected in property taxes, and at that same period last year, \$23 million had been received. That is a 13.7% increase. Property taxes is the largest revenue source. If the rate of receipts continues, it will bring in over \$29 million in property taxes this fiscal year, and \$28.1 was budgeted. That revenue source should go a long way toward balancing the budget.

City Manager Bowers continued by stating that there is a 50% reduction in inspections fees from last year, down from \$909,000 for seven months to \$439,000 for seven months this budget year. He is looking at implementing the plan outlined several months ago that included a two percent reduction in City budgets. Staff is continuing to monitor fuel costs, which are still far below what was budgeted for fuel.

City Manager Bowers concluded by stating that a deficit is not anticipated in the current budget; however, the next two year budgets will be difficult, and probably the most difficult will be not next year but the year after that. This is a time to be conservative and not do discretionary spending, just provide basic services. Some reserves need to be generated in next year's budget. His projection is that this is not a permanent situation.

Elections

City Manager Bowers presented the Council with and explained an e-mail that he had received from the Director of the Board of Elections.

“COPY”

From: Davis, David dpdavis@pittcountync.govJ
Sent: Thursday, January 29, 2009 2:27 PM
To: Wayne Bowers
Subject: Consolidation of precincts for election

In an effort to save costs the Board said they would be in favor of consolidating precincts for this year's Municipal Election. The affected precincts are Arthur (353 voters), Belvoir (194 voters), Carolina (42 voters), Falkland (338 voters), Simpson A (271 voters), and Winterville East B (300 voters). There are 1,498 affected Greenville voters. We will send each voter a letter explaining the situation and where they will vote this year. At the February 18th meeting the Board will review and act on a draft of the letter as well as detailed information.

Thanks,
Dave

We're going to bring the voters from those precincts into other larger precincts. Those voters will be relocated to the nearest large precinct. Here's the plan:

Arthur (Bell Arthur Fire Station) - 353 Greenville voters will be relocated to Greenville #48 (St. Gabriel's Catholic Church)

Belvoir (Belvoir Fire Station) - 194 Greenville voters will be relocated to Greenville #1 (VFW Building #7032)

Carolina (Stokes Community Building) - 42 Greenville voters will be relocated to Greenville #1 (VFW Building #7032)

Falkland (Falkland Community Building) - 338 Greenville voters will be relocated to Greenville #3 (West Greenville Recreation Center)

Simpson A (Eastern Pines Rescue Building) - 271 Greenville voters will be relocated to Greenville #108 (Unity FWB Church)

Winterville East B (New Destiny PH Church) - 300 Greenville voters will be relocated to Greenville #10B (Unity FWB Church)

I estimate a savings of a least \$4000. By closing the six precincts you will save on staffing costs. The only precinct involved that would host an election for another municipality is Falkland; they don't have an election this year. On years that they have an election we would have to keep that precinct open.

“COPY”

City Manager Bowers stated that Mayor Pro-Tem Council requested that the City also consider suggesting that Pactolus precinct also not be open and that they be moved to Greenville

precincts. The City Attorney contacted the Board of Elections and was told that they would consider that change to. Mr. Davis indicated that would make a \$6,000 total savings. At this point, this is a proposal. The Board would like input from City Council before they take action.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Glover to support the change to go along with the Board of Election (which includes eliminating Pactolus). Motion carried unanimously.

SAFER Grant

City Manager Bowers stated that the Fire Rescue Department received a SAFER grant and Fire Rescue will be bringing it back to Council on March 2, 2009.

Upcoming Meetings

City Manager Bowers reminded the Council that the March meetings are scheduled for March 2 and 5, not 9 and 12, which would normally be the meeting dates.

City Manager Bowers announced that there is no business to be placed on the February 23, 2009 City Council meeting agenda.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to cancel the February 23, 2009 meeting. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Mercer and seconded by Council Member Glover to adjourn the meeting at 9:10 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks

Wanda T. Elks
City Clerk



City of Greenville, North Carolina

Meeting Date: 3/2/2009
Time: 6:00 PM

Title of Item: Enhancement Agreement with the North Carolina Department of Transportation for the installation of sidewalks along US 264A (Greenville Boulevard) between Landmark and Bismark Streets

Explanation: Attached is an Enhancement Agreement with the North Carolina Department of Transportation (NCDOT) for the installation of sidewalks along Greenville Boulevard from Landmark Street to Bismark Street. The construction of sidewalks is included as part of the Convention Center Streetscape Project – Phase 1. As part of this phase, sidewalks will be installed along the north side of Greenville Boulevard from Bismark Street to Landmark Street and along the south side beginning in front of the new Hampton Inn to Landmark Street. NCDOT has programmed \$36,000 to participate in the cost of constructing this section of sidewalks in their right-of-way. To utilize these funds, the City must adopt the attached Enhancement Agreement.

Staff has reviewed the Enhancement Agreement and concurs with the terms. The Convention Center Streetscape Project will be presented to the City Council for consideration at its April 6, 2009 meeting.

Fiscal Note: Funds for the construction of the sidewalks are included in the Convention Center Streetscape Project. This project will not increase operation costs or personnel requirements.

Recommendation: Approve the attached Enhancement Agreement with the North Carolina Department of Transportation for the installation of sidewalks along US 264A (Greenville Boulevard) between Landmark and Bismark Streets.

Attachments / click to download

 [Enhancement Agreement](#)

NORTH CAROLINA
PITT COUNTY

10/29/08

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

CITY OF GREENVILLE

ENHANCEMENT AGREEMENT
PROJECT: ER-2971 B
WBS ELEMENT: 33913.3.5

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Greenville, a municipal corporation, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, Section 1201 of the Transportation Equity Act of the 21st Century (TEA-21) requires that Surface Transportation Program funds be available for transportation enhancement activities in their statewide transportation improvement programs; and,

WHEREAS, the Municipality has requested enhancement funding for the construction of a sidewalk in Greenville, Pitt County; and,

WHEREAS, the Department has agreed to participate in the cost of said sidewalks subject to the conditions hereinafter set forth:

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF THE PROJECT:

1. The project shall consist of the construction of a sidewalk on/along Greenville Boulevard between Landmark Street and Bismark Street in Greenville.

PLANNING AND DESIGN:

2. The Municipality shall be responsible for the preparation of all environmental documentation (Categorical Exclusion), including any environmental permits, required for said project. All work shall be accomplished in accordance with Departmental and Federal procedures and guidelines.

If the Municipality causes the professional engineering services required by this Agreement to be performed by contracting with a private engineering firm and seeks reimbursement for said services under this agreement, it is agreed as follows:

(A) The Municipality shall ensure that an engineering firm is obtained through an equitable selection process and that prescribed work is properly accomplished in a timely manner, at a just and reasonable cost.

(B) The Municipality, when procuring architectural, professional and engineering services, must adhere to North Carolina Department of Transportation *Rules and Regulations for Major Professional or Specialized Services Contracts*. This policy conforms to N.C.G.S. 143-64, Parts 31 and 32, and Title 23 of the Code of Federal Regulations, Part 172. The Municipality shall comply with the policies and standards for negotiated contracts as contained in the Federal-Aid Policy Guide, Part 172; said policies and standards being incorporated in this Agreement by reference, and currently available at (www.fhwa.dot.gov/legsregs/legislat.html).

(C) The Municipality shall submit all professional services contract proposals to the Department for review and approval prior to execution of any professional services contract by the Municipality. In the event that the professional services contract proposal (engineering) exceeds \$30,000, a pre-negotiation audit must be requested from the Department's External Audit Branch.

(D) Reimbursement for construction administration costs cannot exceed fifteen percent (15%) of the total construction cost. This applies to private engineering firms and/or work performed by the Municipality and/or the Department. The Municipality and/or its agent, shall perform project administration in accordance with all Departmental and Federal policies and procedures.

3. The Municipality shall be responsible for the development of the design and preparation of project plans specifications, quantities and details for said project. Said work shall be accomplished in accordance with Departmental and Federal standards and specifications and submitted to the Department for review and approval prior to any work being performed by the Municipality.

UTILITIES AND RIGHT OF WAY:

4. The Municipality, at no expense or liability whatsoever to the Department, shall relocate and adjust all utilities in conflict with the project, and provide and/or acquire any needed right of way or construction easements for said project. Acquisition of all right of way and/or construction easements shall be in accordance with the Right of Way Acquisition Policy contained in the Federal-Aid Policy Guide, Part 712, Subpart B; and the North Carolina Department of Transportation Right of Way Manual. The Municipality shall be solely responsible for all damages and claims for damages associated with the acquisition of right of way.

CONSTRUCTION:

5. The Municipality shall construct, or cause to be constructed, the project in accordance with the project plans and with Departmental and Federal policies and procedures. The Municipality, and/or its agent, shall administer the project in accordance with GS 143-129 and the procedures set out hereinbelow:

(A) The Department's Division Engineer, at his discretion, may assign a resident engineer to the project who shall have the right to inspect any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement. The resident engineer will be the Department's representative on the project. The resident engineer will furnish the Municipality with any forms that may be needed in order to follow standard Department practices and procedures in the administration of the contract.

(B) During construction of the project, if any changes in the sidewalk plans are necessary, such changes must be approved by the Division Engineer prior to the work beginning.

(C) All materials incorporated into the project and workmanship performed by the contractor shall be in reasonable close conformity with the Standards and Specifications of the Department.

(D) Prior to the final acceptance and payment by the Department, the Division Engineer shall make a final inspection of the completed work. The Division Engineer will be responsible for final acceptance of the completed work on behalf of the Department.

(E) During construction of the project, the Municipality shall provide and maintain adequate barricades, signs, signal lights, flagmen, and other warning devices for the protection of traffic in conformation with standards and specifications of the Department and the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration.

(F) The Municipality shall complete said work within one (1) year of execution of this agreement.

(G) Letting of all contracts for construction and purchases shall be in accordance with North Carolina Statute 143-129.

FUNDING:

6. Subject to compliance by the Municipality with the provisions set forth in this Agreement, the Department shall participate in the actual construction and engineering costs of the project not to exceed \$36,000. Costs which exceed this amount shall be borne by the Municipality.

(A) Upon completion of the project, the Municipality shall bill the Department for actual construction costs as herein stated by submitting an itemized invoice to the Department's Division Engineer. Reimbursement shall be made in one final payment upon receipt and approval of said itemized invoice by the Division Engineer and the Department's Financial Management Division. Said invoice must be submitted within six months of completion and acceptance of the project.

(B) Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than contract awarded by competitive bidding process. Written approval from the Division Engineer is required prior to the use of force account by the Municipality. Said invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in Office of Management and Budget (OMB) Circular A-87 (www.whitehouse.gov/omb/circulars/a087/a087.html). Reimbursement shall be based on actual cost incurred with the exception of equipment owned by the Municipality or its project partners. Reimbursement rates for equipment owned by the Municipality or its project partners cannot exceed the Department's rates in effect for the time period in which the work is performed. If a contractor performs the work, said invoices shall show the contract cost.

(C) In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" (www.whitehouse.gov/omb/circulars/a133/a133.html), dated June 27, 2003 and the Federal

Single Audit Act Amendments of 1996, the Municipality shall arrange for an independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

(D) The Municipality agrees that it shall bear all construction costs for which it is unable to substantiate actual costs.

(E) Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

(F) Failure on the part of the Municipality to comply with any of these provisions will be grounds for the Department to terminate participation in the costs of the project.

CONSTRUCTION SUBCONTRACTOR REQUIREMENTS:

7. Any contract entered into with another party to perform work associated with the requirements of this agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 Part 26 of the Code of Federal Regulations and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference

www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html

(A) The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.

(B) If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

MAINTENANCE:

8. The Municipality, at its own expense, shall be responsible for all liability and maintenance responsibilities for said facility.

ADDITIONAL PROVISIONS:

9. The Municipality shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of final payment under this agreement, for inspection and audit by the Department's Financial Management Division.

10. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.

11. The Municipality shall certify to the Department compliance with all applicable Federal environmental laws and regulations and ordinances and shall indemnify the Department against any fines, assessments or other penalties resulting from noncompliance by any entity performing work under contract with the Municipality.

12. The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department shall not be held liable by the Municipality for any expenses or obligations incurred for the Project except those specifically eligible for the federal funds and obligations as approved by the Department under the terms of this Agreement. The Department shall not reimburse the Municipality any costs that exceed the total federal funding at any time.

13. The Municipality will indemnify and hold harmless the Department, FHWA, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claims for damage and/or liability in connection with the project activities performed pursuant to this Agreement including construction of the Project. The Department shall not be responsible for any damages or claims for damages, which may be initiated by third parties.

14. All terms and conditions of this Agreement are dependent upon and subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the project by the Department is subject to the conditions of this Agreement and that no expenditure of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on part of the Department and the Municipality or County by authority duly given.

L.S.

ATTEST:

CITY OF GREENVILLE

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

Approved by City Council of the City of Greenville as attested to by the signature of _____, Clerk of the City Council on _____ (date)

(SEAL)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

Federal Tax Id Number:

City of Greenville

Remittance Address:
City of Greenville

DEPARTMENT OF TRANSPORTATION

BY: _____
STATE HIGHWAY ADMINISTRATOR

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: 12/11/08



City of Greenville, North Carolina

Meeting Date: 3/2/2009
Time: 6:00 PM

Title of Item: Review and Inspection Agreement with the North Carolina Department of Transportation for the upgrade and replacement of traffic signal equipment at the US 264A (Greenville Boulevard) and Hooker Road/Convention Center Drive intersection

Explanation: Attached for the City Council's consideration is a Review and Inspection Agreement with the North Carolina Department of Transportation (NCDOT) for a project to upgrade and replace the traffic signal equipment at the intersection of US 264A (Greenville Boulevard) with Hooker Road and Convention Center Drive. The project will include the installation of new mast arm metal poles, countdown pedestrian signal heads, and illuminated overhead street name signs. This project is a component of the overall enhancement project for the Greenville Convention Center District, which involves performing various streetscape and landscape improvements along a portion of Greenville Boulevard within this area.

Greenville Boulevard and the traffic signal equipment at this intersection are part of the State's road network system. Per the attached agreement, NCDOT is permitting the City to perform this improvement project. The City will be responsible for administering the project contract and all associated costs. Upon completion of the project, NCDOT will still maintain ownership and control of the signalized intersection. In accordance with the attached, the City is also responsible for reimbursing NCDOT for its administrative and inspection costs as associated with this particular project. NCDOT has estimated their costs to be in the amount of \$15,000.

Fiscal Note: Funds for this agreement have been included in the Greenville Convention Center District Enhancement Project budget. This project will not increase operations and maintenance personnel.

Recommendation: Approve the attached Review and Inspection Agreement with the North Carolina Department of Transportation for the upgrade and replacement of traffic signal equipment at the US 264 A (Greenville Boulevard) and Hooker

Road/Convention Center Drive Intersection.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Agreement](#)

NORTH CAROLINA
PITT COUNTY

TRAFFIC – REVIEW AND INSPECTION AGREEMENT

DATE: 1/29/2009

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS Elements: 36249.2845

CITY OF GREENVILLE

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the Department and the City of Greenville, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department and the Municipality propose to make certain traffic control improvements under said project in Pitt County; and,

WHEREAS, the Municipality has agreed to participate in the cost of the project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF PROJECT

1. The project consists of the upgrade to include metal poles with mast arms and pedestrian heads on all approaches of the existing traffic signal on US 264 Alt. (Greenville Blvd.) at Hooker Rd./Convention Center Dr. (SIN# 02-0061) in Greenville.

DESIGN AND EQUIPMENT PROCUREMENT

2. Project plans and traffic signal designs shall be prepared by the Municipality, including electrical and programming details, (if applicable) metal poles with mast arm shop drawings, foundation designs, utility make-ready plans, communications cable routing plans, traffic signal coordination timing plans and Project Special Provisions (including, but not limited to: providing Synchro/TSPPd files and programming data sheets; coordination timing plans, graphics package, downloading coordination timing plans onto system cabinets and/or onto central computer). All work shall be performed in accordance with Departmental standards and specifications. Said plans and design shall be submitted to the Department

for review and approval prior to any work being performed by the Municipality. All work shall be done at no expense to the Department.

3. The Municipality, at no expense to the Department, shall purchase or furnish from stock all traffic signal equipment necessary for the traffic signal revision. Said equipment shall be in reasonably close conformity with the standards and specifications of equipment and materials used by the Department. The Department reserves the right to reject the use of any equipment and materials it deems functionally inferior.

UTILITIES AND RIGHT OF WAY

4. The Municipality, shall accomplish the relocation or adjustment of any and all utilities in conflict with the construction of the project. Said work shall be accomplished in a manner satisfactory to the Department, and without cost to the Department.
5. It is understood by the parties hereto that all work shall be contained within existing right of way. However, should it become necessary, the Municipality, shall provide any required right of way and/or construction easements at no cost or liability whatsoever to the Department. Acquisition of right of way shall be accomplished in accordance with State procedures. The Municipality, shall indemnify and save the Department harmless from any and all claims for damages that might arise on account of damage to public or private property and right of way acquisition, drainage, and construction easements for the construction of the project.

CONSTRUCTION

6. The Municipality, at no expense to the Department, shall enter into and administer the contract for the installation of all equipment and perform such other work as required on the project in accordance with the approved project plans, the NCDOT "Standard Specifications for Roads and Structures", July 2006, "Roadway Standard Drawings", July 2006 and any addendum, all local codes and ordinances, and the procedures set out herein below shall be followed:
 - A. No work shall be performed by the Municipality prior to approval of the traffic signal design by the Department.
 - B. Installation shall be done by a licensed electrical contractor familiar with traffic signal construction.
 - C. All preliminary and construction engineering, supervision, and labor pertaining to the signal installation will be furnished by the Municipality.

- D. The Department's Division Engineer shall have the right to inspect, sample or test, and approve or reject any materials or construction methods used during the construction of the project.
 - E. Upon completion of the project, and prior to final acceptance by the Department, the Municipality, will furnish to the Department's Division Engineer one (1) signal inventory control sheet and one (1) set of "Plan of Record" plans.
 - F. Prior to final acceptance by the Department, the Division Engineer shall have the right to make a final inspection of the completed work.
 - G. Failure on the part of the Municipality, to comply with any of these provisions will be grounds for the Department to terminate the project.
 - H. The Municipality, agrees to pursue the completion of the work covered by this Agreement as expeditiously as feasible and to complete all work within 180 Days of notice to proceed.
- 7. During installation of the signal equipment, the Department shall inspect the work being performed by the Municipality to ensure compliance with the project plans, the current NCDOT traffic signal specifications, and the terms of this Agreement.
 - 8. The Municipality shall install thermoplastic pavement markings where pavement markings are required on the project.

FUNDING

- 9. The Municipality shall reimburse the Department one hundred percent (100%) of the actual cost of all work performed by the Department, including administrative costs. Based on the estimated costs, the Municipality shall submit a check for \$15,000. to the Department's Division Engineer upon execution of this Agreement by the Municipality. Upon completion of the project, if actual costs exceed the amount of payment, the Municipality shall reimburse the Department any underpayment within sixty (60) days of invoicing by the Department. If the actual cost of the work is less than \$15,000., the Department shall reimburse the Municipality any overpayment. The Department shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147-86.23.

MAINTENANCE

- 10. Upon completion of the project, the Department shall own and control the traffic signal and maintenance will be accomplished in the same manner as maintenance of other state system signalized intersections.

11. In the event of damage to the metal poles, the Department shall install "in-kind" metal poles if funding is available from the damage claim or the Developer. However, if said funding is not available, the Department reserves the right to install wooden poles in lieu of metal poles (if applicable).

IT IS UNDERSTOOD AND AGREED that the approval of the project by the Department and the Municipality is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

ATTEST: CITY OF GREENVILLE

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____

Approved by _____ of the local governing body of the City of Greenville as

attested to by the signature of Clerk of said governing body on _____ (Date)

Federal Tax Identification Number

(SEAL)

Remittance Address:

City of Greenville

DEPARTMENT OF TRANSPORTATION

BY: _____

(STATE HIGHWAY ADMINISTRATOR)

DATE: _____

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: March 5, 2009



City of Greenville, North Carolina

Meeting Date: 3/2/2009
Time: 6:00 PM

Title of Item: Memorandum of Agreement between the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management and the City of Greenville NC Urban Search and Rescue Task Force 10

Explanation: This is a no-match grant award in the amount of \$160,000 based on an agreement with the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management. The funds would be used to procure equipment and conduct training exercises under the applicable U. S. Department of Homeland Security Program Guidelines.

Fiscal Note: The agreement requires the sub-grantee (the City of Greenville) to submit invoices for reimbursement for allowable expenses up to the grant amount of \$160,000.

Recommendation: Approve the attached Memorandum of Agreement.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Memorandum of Agreement](#)

MOA#: 1030
Tax #: 56-60000229
MOA Amount: \$160,000
CFDA #: 97.067

MEMORANDUM OF AGREEMENT

BETWEEN THE

**DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY,
DIVISION OF EMERGENCY MANAGEMENT**

AND

**City of Greenville
NC USAR Task Force 10**

2008-GE-T8-0033

I. SUBJECT

To ensure adequate preparedness for a response to an all hazard event to include terrorism within the State of North Carolina, funding has been allocated for the procurement of Urban Search and Rescue equipment and training activities for City of Greenville, NC USAR Task Force 10, as described in Attachment 1

II. PURPOSE

The Department of Crime Control and Public Safety, Division of Emergency Management and the City of Greenville, will enter into an agreement to provide funding to first responders for Equipment and Training activities that will enable them to prepare for all hazard events.

III. PARTIES

The parties to this Memorandum of Agreement (MOA) are: North Carolina Department of Crime Control & Public Safety, Division of Emergency Management, henceforth referred to in this document as Grantee, and City of Greenville, henceforth referred to in this document as Sub-grantee.

IV. BACKGROUND

The U.S. Department of Homeland Security has made funds available through the State Homeland Security Grant Number: FY2008-GE-T8-0033 to implement the goals and objectives of the State Homeland Security Strategy 2007-2009.

The Grantee and Sub-grantee enter into an arrangement by which the Grantee will provide Federal reimbursement funding to the Sub-grantee for the purchase of equipment and training activities.

V. AUTHORITY

The parties enter into this MOA under the authority of the following: 1) Public Law 105-277, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (Div. A, Sec.101 (B) at 112 Stat. 2681-50); 2) Department of Justice Appropriations Act, 1999 (Div. A, Sec. 101(B), Title I at 112 Stat. 2681-50); 3) Public Law 107-56, the U.S. Patriot Act of 2001; 4) Public Law 107-296, the Homeland Security Act of 2002; 5) Public Law 108-11, the Wartime Supplemental Appropriations Act of 2003; 6) FY 2003 Omnibus Appropriations Act; 7) the implementing regulations of each Act or Law; 8) The U.S. Department of Homeland Security Fiscal Year 2008 State Homeland Security Grant Program Guidelines and Application Kit available at http://www.ojp.usdoj.gov/odp/grants_programs.htm; 9) DHS FY 2008-GE-T8-0033; 10) applicable DHS Information Bulletins; 11) The N.C. Emergency Management Act, Chapter 166A of the North Carolina General Statutes; and, 12) The Sub-grantee further agrees to comply with current federal suspension and debarment regulations pursuant to OMB Circular A-133 which states in pertinent part that “[e]ffective November 26, 2003, when a non-federal entity enters into a covered transaction with an entity at a lower tier, the non-federal entity must verify that the entity is not suspended or debarred or otherwise excluded. SUB-GRANTEE shall be responsible to ensure that it has checked the federal Excluded Parties List System (EPLS) to verify that contractors or subrecipients have not been suspended or debarred from doing business with the federal government.”

In addition, the grantee and any sub-grantee shall comply with all applicable laws, regulations and program guidance. A non-exclusive list of regulations commonly applicable to DHS grants are listed below, including the following guidance:

A. Administrative Requirements

1. 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
2. 2 CFR Part 215, Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

B. Cost Principles

1. 2 CFR Part 225, State and Local Governments
2. 2 CFR Part 220, Educational Institutions
3. 2 CFR Part 230, Non-Profit Organizations
4. Federal Acquisition Regulation Sub-part 31.2, Contracts with Commercial Organizations

C. Audit Requirements

1. OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.

The grantee and any sub-grantee must comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit requirements.

VI. DUTIES & RESPONSIBILITIES OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT

Grantee agrees to:

- A. Provide reimbursement to the Sub-grantee for the cost of equipment and exercise activities.
- B. Conduct periodic monitoring visits to the Sub-grantee to maintain grant compliance.

VII. DUTIES AND RESPONSIBILITIES OF THE SUB-GRANTEE

Sub-grantee agrees to:

- A. Procure equipment and expend exercise funds under the applicable USDHS Program Guidelines and Application Kits incorporated by reference herein, of this MOA for the enhancement of all hazard preparedness.
- B. Utilize its departmental procurement procedures and policies for the purchase of equipment and exercise activities and follow procurement procedures and policies outlined in the applicable federal regulations, and as outlined in the applicable USDHS Program Guidelines and Application Kits and the USDHS Financial Management Guide.
- C. Sub-grantee shall order, receive, inspect, and stage the items at its own facility. The purchase or acquisition of any additional materials, equipment, accessories or supplies, or the provision of any training beyond that identified in this MOA shall be the sole responsibility of Sub-grantee and shall not be reimbursed under this MOA. Sub-grantee shall prominently mark, when practical, any equipment purchased with grant funding as follows: **"Purchased with funds provided by the U.S. Department of Homeland Security"**.
- D. Submit invoice(s) requesting reimbursement for item(s) received to the NCEM Homeland Security grants manager. Grantee will reimburse Sub-grantee for eligible costs as outlined in the applicable USDHS Program Guidelines and Application Kits. Sub-grantee must take possession of all purchased equipment and receive any grant-eligible service prior to seeking reimbursement from the grantee.
- E. Complete the procurement (s) process not later than **August 31, 2011**.

F. Provide quarterly progress reports to the NCEM Homeland Security grants manager as described in Attachment 2 by the following dates: 15 January, 15 April, 15 July, and 15 October.

G.. Provide inventory list at project completion phase to the Homeland Security Branch listing all equipment purchased through the grant as described in Attachment 3.

H.. Maintain grant management filing system as required in Attachment 4.

I.. Comply with the applicable federal statutes, regulations, policies, guidelines and requirements, reporting requirements and certifications as outlined in the applicable USDHS Program Guidelines and Application Kits.

J. Retain all original records pertinent to this MOA for five years from the date of the final Financial Status Report, as outlined in the applicable USDHS Guidelines and Application Kits and the USDHS Financial Management Guide, with the following exception: If any litigation, claim or audit is started before the expiration of the five year period and extends beyond the five year period, the records will be maintained until all litigation, claims or audit findings involving the records have been resolved.

K. The Sub-grantee further agrees to comply with current federal suspension and debarment regulations pursuant to OMB Circular A-133 which states in pertinent part that “[e]ffective November 26, 2003, when a non-federal entity enters into a covered transaction with an entity at a lower tier, the non-federal entity must verify that the entity is not suspended or debarred or otherwise excluded. SUB-GRANTEE shall be responsible to ensure that it has checked the federal Excluded Parties List System (EPLS) to verify that contractors or sub-recipients have not been suspended or debarred from doing business with the federal government.”

VIII. FUNDING AND COMPENSATION

Grantee will reimburse Sub-grantee for the actual eligible costs incurred for the subject of this grant, **not to exceed \$160,000 (One Hundred Sixty Thousand Dollars)**. Funds will be provided by the State of North Carolina, Department of Crime Control and Public Safety, Division of Emergency Management. The allocation of funds will be from the USDHS FY 2008 Homeland Security Grant Program.

All terms and conditions of this Agreement are dependent upon and subject to the allocation of funds from USDHS and Grantee for the purposes set forth and the MOA shall automatically terminate if funds cease to be available.

Allowable eligible costs shall be determined in accordance with the applicable federal regulations, including but not limited to, 44 C.F.R., and the applicable USDHS Program Guidelines and Application Kits available at http://www.ojp.usdoj.gov/odp/grants_programs.htm, OMB Circulars A-21, A-87, A-122, A-128 and A-133, the USDHS Financial Management Guide available at http://www.dhs.gov/xlibrary/assets/Grants_FinancialManagementGuide.pdf and the approval of the State Administrative Agent for the State of North Carolina, the Secretary of Crime Control and Public Safety. The applicable USDHS Program Guidelines and Application Kits,

include but may not be limited to, the following: Fiscal Year 2008 Homeland Security Grant Program Guidelines.

IX. MODIFICATION OF THE AGREEMENT

Modifications of this agreement must be in writing and upon approval of both parties except as modified by official USDHS Federal Grant Adjustment Notice (GAN).

X. PROPERTY

All property furnished under this agreement shall become the property of the Sub-grantee. The Sub-grantee shall be responsible for the custody and care of any property furnished for use in connection with the performance of this agreement. Grantee will not be held responsible for any equipment purchased by Sub-grantee.

XI. COMMUNICATIONS

To provide consistent and effective communication between the Sub-grantee and the Department of Crime Control and Public Safety, Division of Emergency Management, each party shall appoint a Principal Representative(s) to serve as its central point of contact responsible for coordinating and implementing this MOA. Grantee contacts shall be H. Douglas Hoell, Jr., Director; John Yarboro, Homeland Security Branch Chief and Todd Brown, Program Manager. The sub-grantee contact shall be Mike Burton, Chief, City of Greenville Fire Department.

All confidential information of either party disclosed to the other party in connection with the services provided hereunder will be treated by the receiving party as confidential and restricted in its use to only those uses contemplated by the terms of this Agreement. Any information which is to be treated as confidential must be clearly marked as confidential prior to transmittal to the other party. Neither party shall disclose to third parties the other party's confidential information without written authorization to do so from the other party. Specifically excluded from such confidential treatment shall be information which: (i) as of the date of disclosure and/or delivery, is already known to the party receiving such information; (ii) is or becomes part of the public domain, through no fault of the receiving party; (iii) is lawfully disclosed to the receiving party by a third party who is not obligated to retain such information in confidence; or (iv) is independently developed at the receiving party by someone not privy to the confidential information.

XII. SUBCONTRACTING

If the Sub-grantee subcontracts any or all purchases required under this Agreement, Sub-grantee agrees to include in the subcontract that the subcontractor is bound by the terms and conditions of this MOA. Sub-grantee agrees to include in the subcontract that the subcontractor shall hold Grantee harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this MOA. If Sub-grantee subcontracts a copy of the executed subcontract agreement must be forwarded to the Division of Emergency Management. Contractual arrangement shall in no way relieve Sub-grantee of its

responsibilities to ensure that all funds issued pursuant to this grant be administered in accordance with all state and federal requirements. Sub-grantee is bound by the terms, conditions and restrictions of the applicable USDHS Program Guidelines and Application Kits referenced herein.

XIII. COMPLIANCE WITH THE LAW

Sub-grantee shall be wholly responsible for the purchases to be made under this MOA and for the supervision of its employees and assistants. Sub-grantee shall be responsible for compliance with all laws, ordinances, codes, rules, regulations, licensing requirements and other regulatory matters that are applicable to the conduct of its business and purchase requirements performed under this MOA, including those of federal requirements and State and local agencies having appropriate jurisdiction and found in applicable USDHS Program Guidelines and Application Kits.

XIV. WARRANTY

Sub-grantee shall hold Grantee harmless for any liability and personal injury that may occur from or in connection with the performance of this MOA to the extent permitted by the North Carolina Tort Claims Act.

XV. ANTITRUST LAWS

This Agreement is entered into in compliance with all State and Federal antitrust laws.

XVI. TERMINATION

The termination date is August 31, 2011. This MOA may be terminated upon submission of a 30-day advance written notice of termination.

Upon approval by USDHS and the issuance of the Grant Adjustment Notice, if this MOA is extended, the termination date for the extension will be the date listed in the applicable USDHS Grant Adjustment Notice or as established by the State Administrative Agency whichever is sooner.

If DHS suspends or terminates funding in accordance with 44 C.F.R. and the applicable U.S. Department of Homeland Security Program Guidelines and Application Kits, incorporated by reference herein, Sub-grantee shall reimburse the Division of Emergency Management for said property.

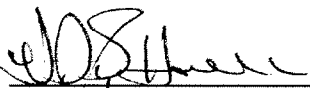
XVII. ENTIRE AGREEMENT

This Agreement and any exhibits and amendments annexed hereto and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral and written statements or agreements.

XVIII. EXECUTION

This MOA will become effective upon execution of all parties to the MOA. The date of execution shall be the date of the last signature which shall be that of Mr. Gerald A. Rudisill, Jr., Chief Deputy Secretary, NC Department of Crime Control and Public Safety.

**CONTRACTING AGENCY
DIVISION OF EMERGENCY MANAGEMENT
DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY**

BY: 
**H. DOUGLAS HOELL, JR., DIRECTOR
DIVISION OF EMERGENCY MANAGEMENT**

DATE: 9-26-08


BY: _____
**MIKE BURTON, CHIEF
CITY OF GREENVILLE FIRE/RESCUE DEPARTMENT
CITY OF GREENVILLE, NORTH CAROLINA**

DATE: _____

APPROVED AS TO PROCEDURES:

BY: _____
**BENNIE AIKEN, CONTROLLER
DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY**

DATE: _____

BY: 
**MARVIN WATERS, CCPS GENERAL COUNSEL
REVIEWED FOR THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
BY MARVIN WATERS, CCPS GENERAL COUNSEL, TO FULFILL THE PURPOSES
OF THE US DEPARTMENT OF HOMELAND SECURITY GRANT PROGRAMS**

DATE: 9-23-08

BY: _____
**GERALD A. RUDISILL, JR., CHIEF DEPUTY SECRETARY
NORTH CAROLINA DEPARTMENT OF CRIME CONTROL & PUBLIC SAFETY**

DATE: _____

PREVIOUSLY APPROVED AS TO FORM FOR THE US DEPARTMENT OF HOMELAND SECURITY, STATE
HOMELAND SECURITY GRANTS, BY THE NORTH CAROLINA DEPARTMENT OF JUSTICE.

Attachment I

I. Eligible Equipment

All Equipment purchased with funds from this MOA must be listed within the categories of the State Homeland security Program Authorized Equipment List (SHSP AEL)

II. Eligible Training

Training must be pre-approved by the North Carolina Emergency Management (NCEM) USAR Program Manager in writing a minimum of 120 days prior to the training event in order to determine eligibility for reimbursement.



City of Greenville, North Carolina

Meeting Date: 3/2/2009
Time: 6:00 PM

Title of Item: Voluntary annexation agreement for property located at the southwest corner of the intersection of Highway 43 South and Worthington Road

Explanation: Property owner George J. Kintz, wishes to obtain sanitary sewer service from Greenville Utilities Commission (GUC).

Mr. Kintz's property is located at the southwest corner of the intersection of Highway 43 South and Worthington Road (Hollywood Crossroads), immediately east of D. H. Conley High School and northeast of the Pitt-Greenville Soccer Association Complex (PGSA). The subject property is further identified as 5284 Highway 43 South, Parcel # 23113.

Said parcel lies approximately 2.03 miles south of Greenville's Extraterritorial Jurisdiction boundary (ETJ) and approximately 4.5 miles from the closest Greenville Fire/Rescue station located at the intersection of Red Banks Road and Charles Boulevard. The property is located within Pitt County's jurisdiction and is currently zoned commercial (northern 2/3) and residential (southern 1/3). The commercially zoned portion, formerly a mobile home sales lot, is currently vacant and can be expected to be developed for commercial purposes under the County's zoning regulations. The Pitt-Greenville Soccer Association Complex access drive from Highway 43 crosses the southern portion of the Kintz property, which also serves as a portion of the soccer complex overflow parking area.

Greenville Utilities Commission currently provides sanitary sewer service to D.H. Conley High School, Hope Middle School, and the Pitt-Greenville Soccer Association Complex. The Kintz property is proposed to be served via the common sanitary sewer system currently extended to the area. The property owner is responsible for associated costs of utility service in accordance with the requirements of the Commission.

In lieu of a petition for voluntary satellite annexation, required as a prerequisite to receiving sanitary sewer service of the Commission, the property owner has

submitted a request to the City requesting that annexation be waived until such time as the City determines it feasible to annex the subject property. This temporary waiver of annexation can be accomplished by the standard annexation agreement currently employed for this purpose. Greenville Utilities Commission has reviewed this request for sanitary sewer extension and has determined that the Kintz property can be served upon approval of the City of Greenville.

Staff has no objection to the request for sanitary sewer service as proposed, contingent upon an annexation agreement for future voluntary annexation, due to (i) the availability and capacity of Greenville Utilities Commission facilities in the immediate area, (ii) proximity of other sites currently receiving GUC sanitary sewer service, (iii) the site's current distance from municipal service delivery points and anticipated cost of providing such services if annexation is required at this time, and (iv) the petitioner's willingness to participate in a standard annexation agreement authorizing the City to execute a petition of voluntary annexation at any future date determined appropriate by the City.

City Council approval is required for sanitary sewer service outside the city's extraterritorial jurisdiction.

Fiscal Note: No cost to the City.

Recommendation: Approve a voluntary annexation agreement with George J. Kintz and after execution of the voluntary annexation agreement, authorize that sewer service be provided to the subject property by GUC.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[📎 Location Map](#)

[📎 Annexation_Agreement__George_Kintz_815231](#)

Prepared by: David A. Holec, City Attorney, City of Greenville
Return to: David A. Holec, City Attorney, City of Greenville, P.O. Box 7207, Greenville, NC 27835

STATE OF NORTH CAROLINA
COUNTY OF PITT

ANNEXATION
AGREEMENT

THIS AGREEMENT, made and entered into this the _____ day of _____, 2009, by and between George Kintz, hereinafter referred to as the OWNER, and the CITY OF GREENVILLE, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina, hereinafter referred to as the CITY;

WITNESSETH:

WHEREAS, the OWNER is the owner of property located outside the corporate limits of the City of Greenville, North Carolina, and

WHEREAS, the OWNER desires to receive sanitary sewer service for said property located outside the corporate limits of the City of Greenville, North Carolina and is desirous of seeking annexation of said property into the corporate limits of the City of Greenville, North Carolina so that said service may be received;

NOW THEREFORE, for and in consideration of the mutual benefits, covenants, and promises contained herein, the CITY and the OWNER agree as follows:

1) The property which is owned by the OWNER and which is the subject of this Agreement is hereinafter referred to as the Property and is described as follows:

Lying and being situate in Chicod Township, Pitt County, North Carolina and being more particularly described as follows:

Beginning at the intersection of the western right of way of NC Hwy 43 and the southern right of way of NCSR 1711 (Worthington Road) thence from said point of beginning with the western right of way of NC Hwy 43 **S 03-44-13 E – 879.13'** to the northern line of the Samuel Gibbs property, thence leaving the western right of way of NC Hwy 43 with the northern line of the Samuel Gibbs property **N 86-31-09 W – 187.44'**, thence with the western line of the Samuel

Gibbs property **S 08-30-04 W – 147.08'**, thence **S 08-31-28 W – 132.26'**, thence with the western line of the David Gurganus, Jr. and Nora Stancil property **S 08-38-09 W – 291.75'**, thence **S 02-41-45 W – 83.27'** to the eastern line of the Pitt Greenville Soccer Association property, thence with the eastern line of the Pitt Greenville Soccer Association property **S 74-30-06 W – 45.92'**, thence **N 23-52-28 W – 64.79'**, thence **N 26-22-59 W – 53.07'**, thence **N 24-32-15 W – 231.66'**, thence **N 06-48-54 W – 157.76'**, thence **N 05-15-18 W – 208.48'** to the Pitt County property (D.H. Conley High School), thence with the eastern line of the Pitt County property **N 04-56-22 W – 374.80'**, thence **N 08-27-12 E – 587.84'** to the southern right of way of NCSR 1711, thence with the southern right of way of NCSR 1711 **S 83-50-00 E – 321.79'**, thence **S 43-47-07 E – 105.32'** to the point of beginning containing **13.4537 acres**.

2) The CITY will allow Greenville Utilities Commission to provide sanitary sewer service to the Property and the OWNER to receive sanitary sewer service to the Property from Greenville Utilities Commission so long as the terms and conditions of this Agreement are fulfilled.

3) In order to receive sanitary sewer service to the Property, the OWNER shall pay to Greenville Utilities Commission such charges and fees as required by Greenville Utilities Commission for the provision of sanitary sewer service to the Property and the OWNER shall comply with all regulations and requirements imposed by Greenville Utilities Commission in connection with the provision of sanitary sewer service to the Property. In the event the OWNER fails to make payments for such charges and fees as required by Greenville Utilities Commission or fails to comply with the regulations and requirements imposed by Greenville Utilities Commission, Greenville Utilities Commission may refuse to or cease to provide sanitary sewer service to the Property.

4) The OWNER requests that the CITY annex the Property into the corporate limits of the City of Greenville, North Carolina. The CITY has determined to not proceed with annexing the Property at this time but reserves its right to annex the Property in accordance with the provisions of the North Carolina General Statutes without a further request or consent from the OWNER.

5) In the event the CITY determines to annex the Property into the corporate limits of the City of Greenville, North Carolina at any time in the future, the OWNER hereby consents to such annexation, agrees to take all action necessary to annex the Property, and authorizes the City Council of the CITY to take such action as will annex the Property into the corporate limits of the City of Greenville, North Carolina.

6) In the event the Property, or any lot or parcel of land or building included within the Property, is sold or otherwise conveyed, by acceptance of a deed from the OWNER or any other person or entity, the future owner of the Property, or of any lot or parcel of land or building included within the Property, agrees that the Property will be annexed into the corporate limits of the City of Greenville, North Carolina at any time in the future when the CITY determines to annex the Property into the corporate limits of the City of Greenville, North Carolina. The OWNER agrees to take whatever steps are necessary to legally bind any future owner to comply with any procedures which will be required to annex the Property into the corporate limits of the City of Greenville, North Carolina and the OWNER furthermore authorizes the City Council of the CITY to take any and all action necessary to effectuate the annexation.

7) The OWNER will include in each and every deed to a purchaser of the Property, or of any lot or any parcel of land or building included within the Property, a restriction and covenant running with the land or building upon the heirs, administrators, successors and assigns of the OWNER which provides that each lot or parcel of land or building included within the Property is subject to annexation into the corporate limits of the City of Greenville, North Carolina at any time when the CITY determines to annex the Property. The OWNER hereby irrevocably appoints David A. Holec or any successor City Attorney of the CITY, Attorney in Fact for the OWNER of any lot or parcel of land or building included within the Property, each with full power to sign an Annexation Petition when requested by the CITY, in the event the then OWNER fails to meet the obligations imposed in this Agreement and does not sign an Annexation Petition to annex the Property to the CITY, upon request.

8) This Agreement shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the OWNER in the grantor index.

9) This Agreement shall be binding upon the heirs, executor, successors, administrators, and assigns of the parties hereto and shall terminate upon annexation of the Property into the corporate limits of the City of Greenville, North Carolina.

IN WITNESS WHEREOF, the CITY and the OWNER have caused this Agreement to be executed as of the day and year first above written.

George J. Kintz (Seal)

CITY OF GREENVILLE

By: _____ (Seal)
Wayne Bowers, City Manager

NORTH CAROLINA
PITT COUNTY

I, _____, Notary Public in and for the aforesaid County and State, do hereby certify that Wayne Bowers, City Manager of the City of Greenville, personally appeared before me on this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and official seal, this the ____ day of _____, 2009.

Notary Public

My Commission Expires: _____

NORTH CAROLINA
PITT COUNTY

I, _____, Notary Public in and for the aforesaid County and State, do hereby certify that George J. Kintz, personally appeared before me on this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

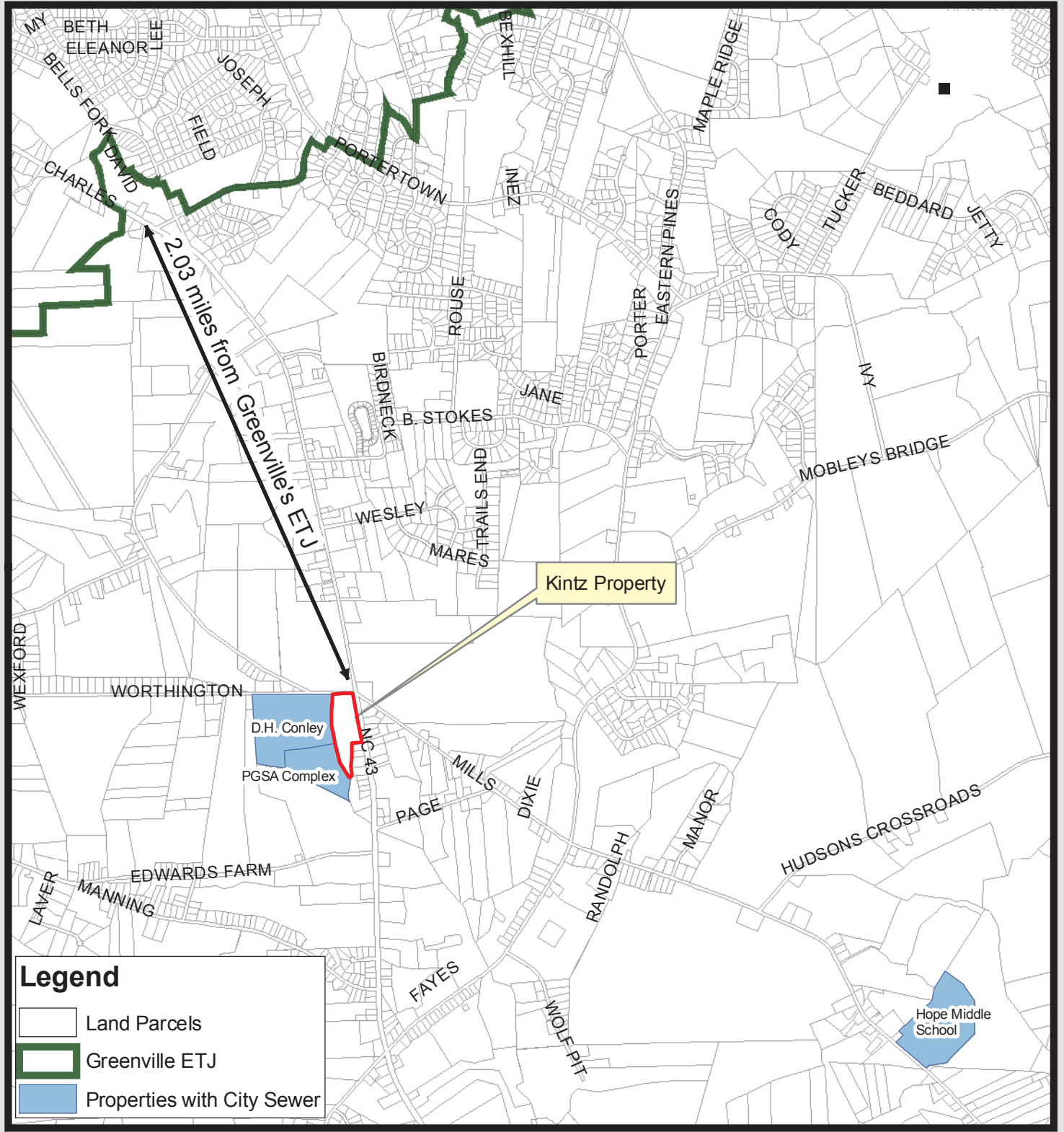
WITNESS my hand and official seal, this the ____ day of _____, 2009.

Notary Public

My Commission Expires: _____



George J. Kintz Property and Neighboring Parcels Having Sanitary Sewer Service





City of Greenville, North Carolina

Meeting Date: 3/2/2009
Time: 6:00 PM

Title of Item: Resolutions authorizing applications for economic stimulus funding for Greenville Utilities Commission projects under the American Recovery and Reinvestment Act of 2009

Explanation: On February 11, 2009, GUC staff was advised by the North Carolina Department of Environment and Natural Resources, Public Water Supply Section, that completed applications for project funding under the American Recovery and Reinvestment Act of 2009 must be submitted no later than February 27, 2009 for "shovel ready" projects. GUC has two projects that are "shovel ready" that potentially qualify for funding under the Act. They are Water Capital Project-96, Frog Level Road Fire Flow Improvements Water Main Extension, and Water Capital Project-102, SR1401/1402 Fire Flow Improvements Water Main Extension.

While it is not known at this time, funding under the Act could be in the form of grants, no-interest loans, or low-interest loans. In order to proceed with submittal of the applications, resolutions must be adopted that authorize GUC's General Manager/CEO to act as the designated agent for Greenville Utilities.

At their meeting on February 17, 2009, the GUC Board adopted resolutions for submittal of these project applications and recommended similar resolutions be adopted by the City Council.

Fiscal Note: The funding that will be requested for these two projects combined is approximately \$1.8 million. There is no cost to the City of Greenville.

Recommendation: Adopt the two attached resolutions for GUC economic stimulus funding applications.

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Attachments / click to download

 [Resolution - Frog Level Road Fire Flow Improvements](#)

 [Resolution - Fire Flow Improvements Water Main Extension](#)

RESOLUTION NO. _____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
STATE REVOLVING LOAN FUND - RESOLUTION OF ASSURANCES, AGREEMENTS
AND AUTHORIZED REPRESENTATIVES

WHEREAS, the Federal Clean Water Act Amendments of 1987, Federal Safe Drinking Water Act Amendments of 1996, and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water treatment works; and

WHEREAS, the Greenville Utilities Commission of the City of Greenville has need for and intends to construct a drinking water system project described as the Greenville Utilities Commission Frog Level Road Water Main Extension; and

WHEREAS, the Greenville Utilities Commission of the City of Greenville intends to request state loan assistance for the project and has requested that the City Council of the City of Greenville adopt a resolution relating to this state loan assistance which approves the filing of an application, making the necessary assurances and agreements, and designating authorized representatives;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville:

1. That the City of Greenville, in conjunction with the Greenville Utilities Commission, will arrange financing for all remaining costs of the project, if approved for a State loan award.
2. That the City of Greenville, through the Greenville Utilities Commission, will adopt and place into effect on or before completion of the project, a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. That the City of Greenville agrees to include in the loan agreement relating to the State loan award a provision authorizing the State Treasurer, upon failure of the City of Greenville or the Greenville Utilities Commission to make any scheduled repayment of the loan, to withhold from the City of Greenville or the Greenville Utilities Commission any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. That the City of Greenville, through the Greenville Utilities Commission, will provide for efficient operation and maintenance of the project on completion of construction thereof.
5. The General Manager/CEO of Greenville Utilities Commission, or his designee(s), are hereby authorized to execute and file an application on behalf of the City of Greenville with the State of North Carolina for a loan to aid in the construction of the project described above.

6. The General Manager/CEO of Greenville Utilities Commission, or his designee(s), are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

7. That the City of Greenville has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

ADOPTED this the ____ day of _____, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

RESOLUTION NO. _____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
STATE REVOLVING LOAN FUND - RESOLUTION OF ASSURANCES, AGREEMENTS
AND AUTHORIZED REPRESENTATIVES

WHEREAS, the Federal Clean Water Act Amendments of 1987, Federal Safe Drinking Water Act Amendments of 1996, and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system; and

WHEREAS, the Greenville Utilities Commission of the City of Greenville has need for and intends to construct a drinking water treatment works project described as the Greenville Utilities Commission Fire Flow Improvements SR 1401 and SR 1402; and

WHEREAS, the Greenville Utilities Commission of the City of Greenville intends to request state loan assistance for the project and has requested that the City Council of the City of Greenville adopt a resolution relating to this state loan assistance which approves the filing of an application, making the necessary assurances and agreements, and designating authorized representatives;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville:

1. That the City of Greenville, in conjunction with the Greenville Utilities Commission, will arrange financing for all remaining costs of the project, if approved for a State loan award.
2. That the City of Greenville, through the Greenville Utilities Commission, will adopt and place into effect on or before completion of the project, a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. That the City of Greenville agrees to include in the loan agreement relating to the State loan award a provision authorizing the State Treasurer, upon failure of the City of Greenville or the Greenville Utilities Commission to make any scheduled repayment of the loan, to withhold from the City of Greenville or the Greenville Utilities Commission any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. That the City of Greenville, through the Greenville Utilities Commission, will provide for efficient operation and maintenance of the project on completion of construction thereof.
5. The General Manager/CEO of Greenville Utilities Commission, or his designee(s), are hereby authorized to execute and file an application on behalf of the City of Greenville with the State of North Carolina for a loan to aid in the construction of the project described above.

6. The General Manager/CEO of Greenville Utilities Commission, or his designee(s), are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. That the City of Greenville has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

ADOPTED this the ____ day of _____, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 3/2/2009
Time: 6:00 PM

Title of Item: Water Capital Projects Budget Ordinance for Greenville Utilities Commission's Northwest Acres Water Main Extension

Explanation: In September 2008, the GUC Board approved a request by the N.C. Utilities Commission for GUC to take over the privately-owned Homestead Community Water System serving Northwest Acres Mobile Home Park, contingent upon GUC receiving 100% grant funding for the required system upgrade.

GUC staff subsequently submitted a grant application to the Construction Grants and Loan Section of the N.C. Division of Environmental Health in the amount of \$190,846 for the construction of a water system in conformance with GUC standards. Notification was received on January 13, 2009 from the Division of Environmental Health that GUC would receive the grant as requested in the total amount of \$190,846.

The GUC Board, at their meeting on February 17, 2009, adopted a Water Capital Projects Budget for the Northwest Acres Water Main Extension and recommended similar action be taken by the City Council.

Fiscal Note: The project budget is \$190,846. There is no cost to the City of Greenville.

Recommendation: Adopt the attached Water Capital Projects Budget Ordinance for Northwest Acres Water Main Extension.

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Attachments / click to download

 [Water Capital Projects Budget Ordinance](#)

ORDINANCE NO. 09-_____

FOR WATER CAPITAL PROJECT BUDGET
NORTHWEST ACRES WATER MAIN EXTENSION

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES ORDAIN:

Section 1. Revenues. Revenues of Water Capital Project Budget, Northwest Acres Water Main Extension, is hereby established to read as follows:

Revenue:

NC Department of Environment and Natural Resources	<u>\$190,846</u>	
Total Revenue		<u><u>\$190,846</u></u>

Section 2. Expenditures. Expenditures of the Water Capital Project Budget, Northwest Acres Water Main Extension, is hereby established to read as follows:

Expenditures:

Project Cost	<u>\$190,846</u>	
Total Expenditures		<u><u>\$190,846</u></u>

Section 3. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the _____ day of _____, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 3/2/2009
Time: 6:00 PM

Title of Item: Budget ordinance amendment #9 to the 2008-2009 City of Greenville budget

Explanation: Attached is an amendment to the 2008-2009 budget ordinance for consideration at the March 2, 2009 City Council meeting. For ease of reference, a footnote has been added to each line item of the budget ordinance amendment, which corresponds to the explanations below:

A To appropriate funds awarded for the Gang Resistance Education and Training Program (GREAT) to be used to train criminal justice professionals to deliver a school-based curriculum that teaches life skills competencies, gang awareness, and violence avoidance techniques to youth (\$46,222).

B To appropriate fund balance for monies received during fiscal years 2003 through 2005 from East Carolina University (ECU) for the Statonsburg Road/10th Street Connector Project. The partnership enlisted ECU for \$2,000,000. This amendment is moving the funds to the appropriate Capital Project Fund in order to offset expenses (\$943,000).

C This adjustment serves as implementation of fiscal year 2008-2009 budget reductions discussed with the City Council, via memorandum dated November 21, 2008. This amendment carries out the 2% budget reductions in the department operating and contingency line items. In total, the departmental operating budget reductions equal \$168,747, while the contingency reductions are \$58,396. The reductions in operations will offset some of the decline in inspection fees projected due to the downturn of the economy.

Fiscal Note: The budget ordinance amendment affects the following fund: increase the General Fund by \$989,222.

<u>Fund Name</u>	<u>Current Adjusted Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>

General Fund	\$ 73,229,780	\$ 989,222	\$ 74,219,002
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Recommendation: Approve budget ordinance amendment #9 to the 2008-2009 City of Greenville budget

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Budget Ordinance Amendments 2008 2009 776865](#)

ORDINANCE NO. 09-__
CITY OF GREENVILLE, NORTH CAROLINA
ORDINANCE (#9) AMENDING ORDINANCE NO. 08-73

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES ORDAIN:

Section I. Estimated Revenues. General Fund, of Ordinance 08-73, is hereby amended by increasing estimated revenues in the amount indicated:

<u>Account</u>	<u>Original/Adopted Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>
State/Local/Fed Grant ^A	\$ 1,487,983	\$ 46,222	\$ 1,534,205
Appropriated Fund Balance ^B	2,722,953	943,000	3,665,953
Total		<u>\$ 989,222</u>	

Section II. Estimated Revenues. General Fund, of Ordinance 08-73, is hereby amended by decreasing estimated revenues in the amount indicated:

<u>Account</u>	<u>Original/Adopted Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>
Inspection Fees ^C	\$ 1,414,014	\$ 227,143	\$ 1,186,871

Section III. Appropriations. General Fund, of Ordinance 08-73, is hereby amended by increasing appropriations in the amount indicated:

<u>Department</u>	<u>Original/Adopted Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>
Police ^A	\$ 20,933,086	\$ 46,222	\$ 20,979,308
Transfer to Other Funds ^B	7,576,850	943,000	8,519,850
Total		<u>\$ 989,222</u>	

Section IV. Appropriations. General Fund, of Ordinance 08-73, is hereby amended by decreasing appropriations in the amount indicated:

<u>Account</u>	<u>Original/Adopted Budget</u>	<u>Proposed Amendment</u>	<u>Adjusted Budget</u>
Mayor / City Council ^C	\$ 372,111	\$ 4,311	\$ 367,800
City Manager ^C	1,077,524	6,940	1,070,584
City Clerk ^C	271,601	855	270,746
City Attorney ^C	430,412	1,139	429,273
Human Resources ^C	2,083,463	22,893	2,060,570
Information Technology ^C	3,004,666	20,184	2,984,482
Fire/Rescue ^C	11,481,857	11,799	11,470,058
Financial Services ^C	2,176,852	6,236	2,170,616
Police ^C	20,979,308	42,000	20,937,308
Recreation and Parks ^C	6,087,240	16,937	6,070,303
Public Works ^C	9,710,452	25,891	9,684,561

Community Development ^C	2,155,943	9,562	2,146,381
Contingency ^C	116,793	<u>58,396</u>	58,397
Total		\$ 227,143	

Section V. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section VI. This ordinance will become effective upon its adoption.

Adopted this 2nd day of March, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

#776865



City of Greenville, North Carolina

Meeting Date: 3/2/2009
Time: 6:00 PM

Title of Item: Report on contracts awarded

Explanation: City procurement policies require the City Manager or designated staff to report to the City Council any bids or professional services contracts awarded over \$10,000 and less than \$30,000. This report's purpose is to advise the City Council of Amendment No. 3 to the Moser Mayer Phoenix professional services contract.

The initial contract was awarded by the City Council on May 7, 2007 in the amount of \$103,810 for the Intermodal Transportation Center Facility Programming and Site Selection Study. Since that time, the following amendments have occurred:

- Amendment No. 1 - \$6,000 for Phase I Environmental Surveys
- Amendment No. 2 - \$5,220 for Citizen engagement/website design/hosting
- Amendment No. 3 - \$18,250 for Preparation of Environmental Assessment

Fiscal Note: A Federal Transit Administration Section 5307 grant is funding 80% of this project. NCDOT is funding 10% of the project cost. The City pays the remaining 10% local match.

Recommendation: Accept report on Intermodal Transportation Center contract amendment.

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Attachments / click to download



City of Greenville, North Carolina

Meeting Date: 3/2/2009
Time: 6:00 PM

Title of Item: Presentations by boards and commissions

a. Affordable Housing Loan Committee

Explanation: The Affordable Housing Loan Committee will make their annual presentation to City Council at the March 2, 2009 meeting.

Fiscal Note: N/A

Recommendation: For information only; no action recommended

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Attachments / click to download



City of Greenville, North Carolina

Meeting Date: 3/2/2009
Time: 6:00 PM

Title of Item: Resolution of Intent to Close Allen Taylor Court located west of Arlington Boulevard

Explanation: Attached for City Council's consideration is a Resolution of Intent to close Allen Taylor Court and the associated public right-of-way beginning at the street's intersection with Arlington Boulevard to a cul-de-sac terminus located approximately 450 feet west of Arlington Boulevard. A petition (attached) requesting the closure of Allen Taylor Court was submitted by Easternrad, LLC.

Easternrad, LLC owns all of the property adjacent to Allen Taylor Court. The adjoining property is currently divided into several lots. Upon the closing of the street, the lots will become non-compliant with the City ordinances. Therefore, a recombination plat will be required to address this issue. Utility easements will be maintained if the street is closed. Though identified as a public right-of-way, Allen Taylor Court is not maintained by the City. Due to surrounding development and cul-de-sac terminus, this street cannot be extended. The attached map identifies the requested street right-of-way to be closed.

The attached resolution declaring the intent to close Allen Taylor Court begins the public input process. This Notice of Intent will be advertised in The Daily Reflector on four consecutive Mondays: March 9, March 16, March 23, and March 30, 2009. Signs will also be posted at the location of closing advertising the public hearing. City Council will hold a public hearing on Thursday, April 9, 2009, to hear from affected persons and to consider closing the street.

City staff has reviewed the request and based on input from all departments, there are no objections to the closing.

Fiscal Note: The City does not maintain Allen Taylor Court. Budgeted street maintenance funds will not be affected if the City Council adopts a Resolution to Close Allen Taylor Court.

Recommendation: Adopt the Resolution of Intent to close Allen Taylor Court.

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Attachments / click to download

-  [Petition](#)
 -  [Allen Taylor Court Map](#)
 -  [Allen Taylor Street Closure Res. Setting Public Hearing 813950](#)
 -  [Excerpt from February 2009 Minutes for Easternrad LLC 814214](#)
-

RESOLUTION NO. 09 - _____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
DECLARING ITS INTENT TO CLOSE ALLEN TAYLOR COURT

WHEREAS, the City Council has received a petition to close the right-of-way of Allen Taylor Court, starting at the western right of way of Arlington Boulevard and running west about 450 feet to the terminus of Allen Taylor Court, and;

WHEREAS, the City Council intends to close said street, in accordance with the provisions of G.S. 160A-299;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, that it is the intent of the City Council to close said street right-of-way, more particularly described as follows:

To Wit: The 50 foot wide right-of-way Allen Taylor Court, formerly known as Park Place Court (renamed to Allen Taylor Court by City Council on April 10, 2003, Resolution No. 3-017) as shown on the plat entitled, "Street Closure Map, Allen Taylor Court", prepared by Baldwin & Janowski, PA, dated October 20, 2008.

Location: All that certain tract or strip of land lying situate in the City of Greenville, Greenville Township, Pitt County, North Carolina, bounded on the east by Arlington Boulevard, and on the south, west and north by the properties of Easternrad, LLC and being further described as follows:

BEGINNING at a existing iron pipe at the intersection of the northern right of way of Allen Taylor Court with the western right of way of Arlington Boulevard; thence running along the western right of way of Arlington Boulevard, S 39°25'20" E - 50.01 feet to an existing iron pipe in the southern right of way of Allen Taylor Court; thence running along the southern right of way of Allen Taylor Court, S 50°22'33" W - 53.09 feet to the point of curvature of a curve; thence running along the curved right of way, being a curve to the right with a radius of 125.00 feet as measured along a chord of S 72°07'22" W - 92.63 feet to the point of tangency; thence continuing along the southern right way, N 86°07'49" W - 153.55 feet to the point of curvature of a curve; thence running along the curved right of way, being a curve to the left with a radius of 75 feet as measured along a chord of S 77°03'12" W - 43.58 feet to the point of a compound curve; thence running along the curved right of way, being a curve to the left with a radius of 25 feet as measured along a chord of S 35°20'26" W - 20.99 feet to the point of reverse curve; thence running along the curved right of way, being a curve to the right, with a radius of 50 feet as measured along a chord of S 60°40'22" W - 76.77 feet a point on the curve; thence continuing along the above curve as measured along a chord of N 18°51'21" E - 99.94 feet to the point of reverse curve; thence running along the curved northern right of way, being a curve to the left with a radius of 25 feet as measured along a chord of N 83°02'19" E - 20.22 feet to the point of reverse curve; thence running along the curved right of way, being a curve to the right, with a radius of 125 feet as measured along a chord of N 76°32'47" E - 74.58 feet to the point of tangency; thence continuing along the northern right way, S 86°07'49" E - 153.55 feet to the point of curvature of a curve; thence running along the curved right of way, being a curve to the left with a radius of 75 feet as measured along a chord of N 72°07'22" E - 55.58 feet to the point of tangency, thence continuing along the northern right of way N 50°22'33" E - 53.28 feet to an existing iron pipe in the western right of way of Arlington Boulevard, the POINT OF BEGINNING containing 0.584 acres more or less and shown on plat entitled, "Street Closure Map, Allen Taylor Court", prepared by Baldwin & Janowski, PA, dated October 20, 2008, which by reference is made a part hereof.

BE IT FURTHER RESOLVED, that a public hearing will be held in the Council Chamber, City Hall, Greenville, North Carolina, on the 9th day of April, 2009 at 7:00 p.m., to consider the advisability of closing the aforesaid street. At such public hearing, all objections and suggestions will be duly considered.

BE IT FURTHER RESOLVED, that a copy of this resolution be published once a week for four (4) consecutive weeks in the Daily Reflector; that a copy of this resolution be sent by certified mail to the owners of property adjacent to the above described street, as shown on the County tax records, and that a copy of this resolution be posted in at least two (2) places along the portion of the street to be closed.

Duly adopted this the 2nd day of March, 2009.

PATRICIA C. DUNN, MAYOR

ATTEST: _____
WANDA T. ELKS, CITY CLERK

Excerpt from the Planning and Zoning Commission meeting minutes (02/17/09)

Request by Easternrad, LLC to close all of Allen Taylor Court

Mr. Tim Corley, engineer, stated the area contained approximately 450 feet of road right-of-way. He said there was an existing street on the right-of-way, however it was never accepted by the City of Greenville, therefore it will not affect the city's maintenance funds. All properties surrounding the road are owned by the requestor, Easternrad, LLC. Upon closing of the street the lots will become non-compliant with the City Ordinances so a final plat will have to be recorded that recombines the parcel. Mr. Corley stated the city has no objections to the request.

Mr. Mike Baldwin spoke in favor of the request on behalf of the applicant.

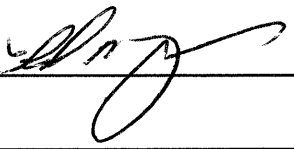
No one spoke in opposition.

Motion was made by Mr. Bell, seconded by Mr. Tozer to approve the request as recommended. Motion carried unanimously.

PETITION FOR PROPERTY OWNERS TO CLOSE
A STREET

We the undersigned owner(s) of real property adjoining entire block(s) of
Park Place Court, AKA ALLEN TAYLOR COURT, do hereby petition the City Council of the City of Greenville,
North Carolina to permanently close the street as described on Exhibit "A" attached.

Signatures of the person(s) requesting the street closing shall be as follows: Property owned by more than one individual shall be signed by all owners. Property owned by husband and wife (tenants in common) both shall sign the petition. Property owned by corporation shall be signed by president or vice president and secretary. Signatures of all remaining property owners should be listed on the attached sheet.

<u>Signature</u>	<u>Name</u>	<u>Address</u>	<u>PIN</u>
	Michael G. McLaughlin, MD, Manager, Easternrad, LLC	#9 Doctors Park, Greenville, NC 27834 27834	63878, 63884, 63883, 63882, 63880, 63879, 63313
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

North Carolina
Pitt County

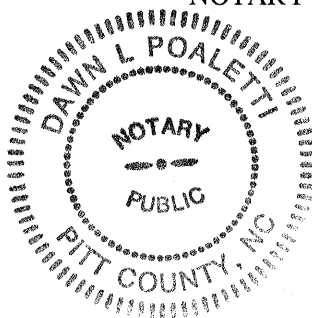
I, Dawn L. Poaletti, a Notary Public in and for the aforesaid County
and State, do hereby certify that Michael G. McLaughlin, MD, Manager, appeared before me this day
and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this the 16th day of December, 2008.

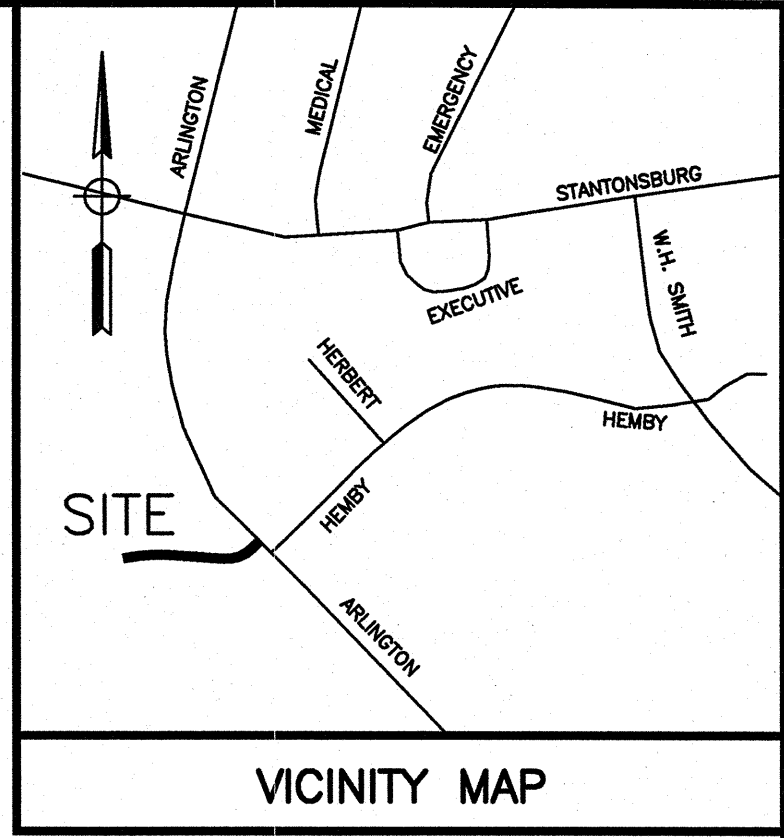
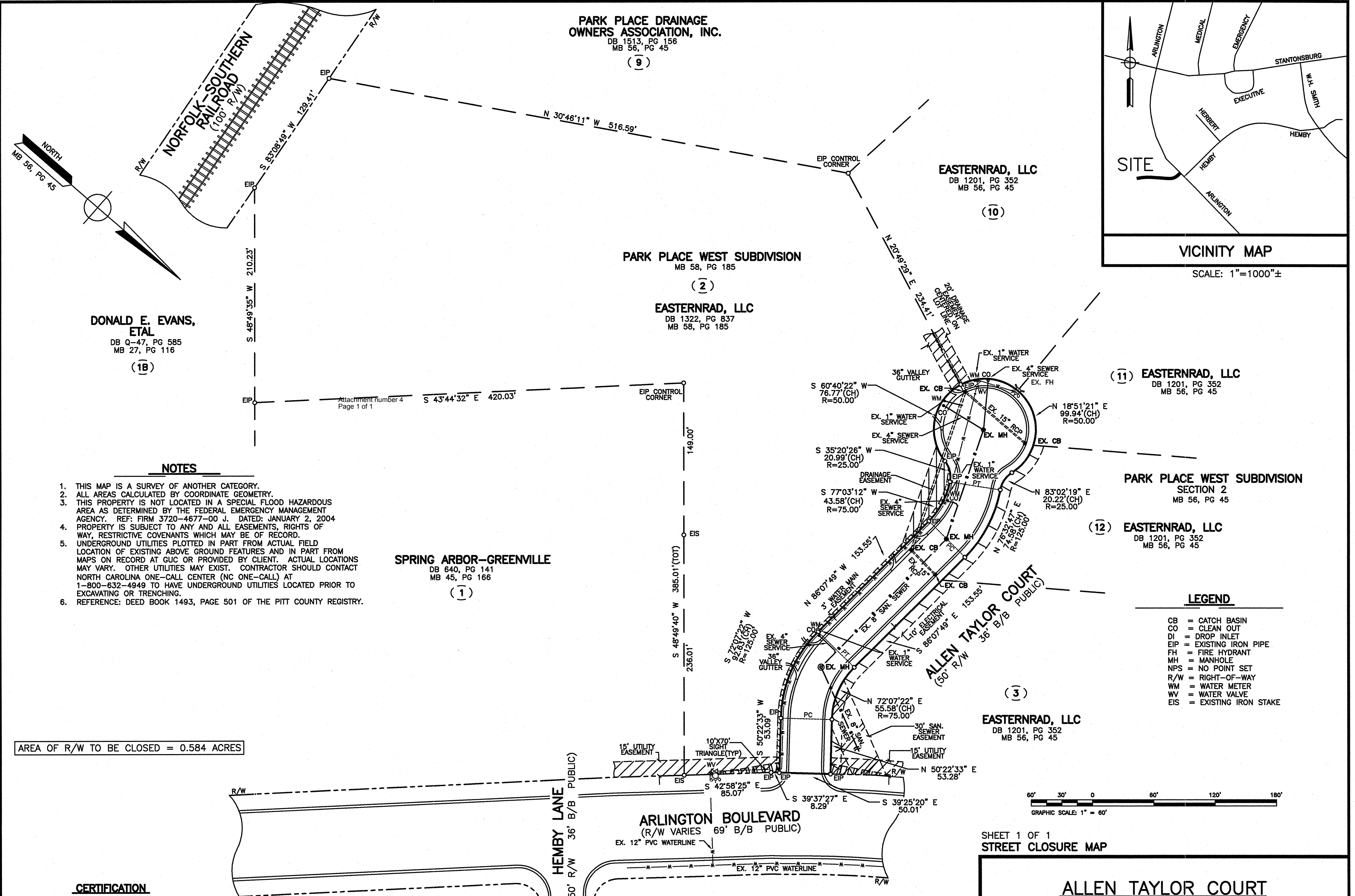
MY COMMISSION EXPIRES
03/28/2009



NOTARY PUBLIC



::ODMA\PCDOCS\COG\100906\1



DONALD E. EVANS, ETAL
 DB Q-47, PG 585
 MB 27, PG 116
 (1B)

PARK PLACE DRAINAGE OWNERS ASSOCIATION, INC.
 DB 1513, PG 156
 MB 56, PG 45
 (9)

PARK PLACE WEST SUBDIVISION
 MB 58, PG 185
 (2)
EASTERNRAD, LLC
 DB 1322, PG 837
 MB 58, PG 185

EASTERNRAD, LLC
 DB 1201, PG 352
 MB 56, PG 45
 (10)

(11) EASTERNRAD, LLC
 DB 1201, PG 352
 MB 56, PG 45

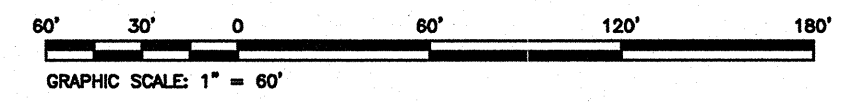
PARK PLACE WEST SUBDIVISION SECTION 2
 MB 56, PG 45

(12) EASTERNRAD, LLC
 DB 1201, PG 352
 MB 56, PG 45

SPRING ARBOR-GREENVILLE
 DB 640, PG 141
 MB 45, PG 166
 (1)

EASTERNRAD, LLC
 DB 1201, PG 352
 MB 56, PG 45
 (3)

- LEGEND**
- CB = CATCH BASIN
 - CO = CLEAN OUT
 - DI = DROP INLET
 - EIP = EXISTING IRON PIPE
 - FH = FIRE HYDRANT
 - MH = MANHOLE
 - NPS = NO POINT SET
 - R/W = RIGHT-OF-WAY
 - WM = WATER METER
 - WV = WATER VALVE
 - EIS = EXISTING IRON STAKE



NOTES

1. THIS MAP IS A SURVEY OF ANOTHER CATEGORY.
2. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
3. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. REF: FIRM 3720-4677-00 J. DATED: JANUARY 2, 2004
4. PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD.
5. UNDERGROUND UTILITIES PLOTTED IN PART FROM ACTUAL FIELD LOCATION OF EXISTING ABOVE GROUND FEATURES AND IN PART FROM MAPS ON RECORD AT GUC OR PROVIDED BY CLIENT. ACTUAL LOCATIONS MAY VARY. OTHER UTILITIES MAY EXIST. CONTRACTOR SHOULD CONTACT NORTH CAROLINA ONE-CALL CENTER (NC ONE-CALL) AT 1-800-632-4949 TO HAVE UNDERGROUND UTILITIES LOCATED PRIOR TO EXCAVATING OR TRENCHING.
6. REFERENCE: DEED BOOK 1493, PAGE 501 OF THE PITT COUNTY REGISTRY.

AREA OF R/W TO BE CLOSED = 0.584 ACRES

CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP WAS DRAWN UNDER MY DIRECTION AND SUPERVISION FROM AN ACTUAL FIELD LAND SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINE; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY HAND AND SEAL THIS 20th DAY OF OCTOBER, 2008.

STUART C. BARWICK, PLS L-4461

SOURCE OF TITLE

THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:

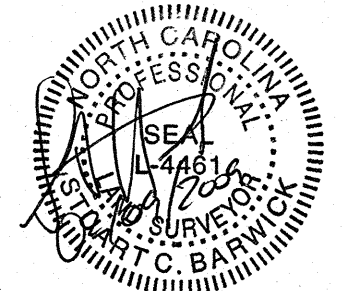
MAP BOOK	55	PAGE	160
MAP BOOK	56	PAGE	45
DEED BOOK		PAGE	

NC REGISTRATION NO. 4461

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF GREENVILLE HAS PASSED A RESOLUTION TO CLOSE

RESOLUTION No. _____
 SIGNED _____ MAYOR
 SIGNED _____ CITY CLERK



CLOSURE CHECK BOUNDARY

CHECKED: SCB	DATE: 10/21/2008
--------------	------------------

SHEET 1 OF 1
STREET CLOSURE MAP

ALLEN TAYLOR COURT

REFERENCE: MAP BOOK 55, PAGE 160 AND MAP BOOK 56, PAGE 45 OF THE PITT COUNTY REGISTRY.

GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY, N.C.

 Baldwin & Janowski, P.A. ENGINEERING - SURVEYING - PLANNING 1015 CONFERENCE DRIVE GREENVILLE, NC 27638 252.756.1390	SURVEYED: JP	APPROVED: SCB
	DRAWN: SCB	DATE: 10/20/2008
	CHECKED: SCB	SCALE: 1" = 60'

FILE #02-305 CAD FILE 02-305 BREAST IMAGING CENTER STREET CLOSURE MAP



City of Greenville, North Carolina

Meeting Date: 3/2/2009
Time: 6:00 PM

Title of Item: Resolution authorizing the conveyance of City-owned properties by private sale to Greenville Housing Development Corporation

Explanation: This is a request to convey the single-family dwellings located at 1101 Douglas Avenue, 505 Contentnea Street, 601 Contentnea Street, 603 Contentnea Street, and 605 Contentnea Street to the Greenville Housing Development Corporation, a certified Community Housing Development Organization, for the purpose of a Lease/Purchase program for low to moderate income homebuyers. These rehabilitated properties were completed in 2006 and have been vacant since that time. North Carolina law authorizes the City to pursue such relationships as provided in G.S. 160A-279, sale of property to entities carrying out a public purpose.

Local governments are facing issues with the foreclosure crisis. Prices are falling in virtually all markets, and increasingly there are housing units sitting unoccupied, as in the case of the aforementioned City-owned properties. Neighborhoods desperately need homeowners to take over the vacant homes, which can drag down nearby home values and become expensive to maintain.

This proposal involves the sale of City-owned property to Greenville Housing Development Corporation (GHDC) to lease the units to qualified low to moderate income residents for a period not to exceed 24 months, during which the GHDC would work closely with the leasee to become mortgage ready to purchase the unit at fair market value. This will help buyers move into the vacant houses and improve their credit worthiness and savings to the point where they can purchase the property within one to two years. At the time of sale to a qualified homebuyer, the City will receive fair market value as determined by a professional appraiser for each unit and GHDC will receive a 10% Developer's fee. In addition, a portion of the monthly lease payments to GHDC will be placed in a fund to cover routine maintenance, property management, and homebuyer downpayment assistance.

In the event that the homes are not sold after the two-year lease-to-purchase period, the Greenville Housing Authority will continue to lease the properties and collect monthly rent payments. The Greenville Housing Authority will provide a portion of the monthly rent received equal to the difference of the monthly rental less expenses. The difference will be paid to the City of Greenville as outlined in an agreement between the City of Greenville and the Greenville Housing Authority for this program.

If approved by City Council, the transaction will be formally closed by the City Attorney or an attorney designated by the City Attorney.

Fiscal Note:

Approximately \$27,000 from CDBG and HOME funds to make minor repairs to the homes. The City will not receive funds during the lease period, but once the homes are sold, the City will receive the established fair market value for each home.

Recommendation:

Adoption of the resolution approving conveyance of the following City-owned properties: 1101 Douglas Avenue, 505 Contentnea Street, 601 Contentnea Street, 603 Contentnea Street, and 605 Contentnea Street to Greenville Housing Development Corporation, as authorized in G.S. 160A-279 for the purpose of a Lease/Purchase Program.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Resolution No. 09 _____ Sale of Real Property to Greenville Housing Dev Corp 807700](#)

RESOLUTION NO. 09-

**RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN REAL
PROPERTY TO GREENVILLE HOUSING DEVELOPMENT CORPORATION FOR
THE IMPLEMENTATION OF A LEASE-PURCHASE PROGRAM FOR LOW TO
MODERATE INCOME HOMEBUYERS**

WHEREAS, the City of Greenville recognizes the importance of homeownership opportunities for low to moderate income residents;

WHEREAS, the City of Greenville owns the lots and single-family dwellings located at 1101 Douglas Avenue, 505 Contentnea Street, 601 Contentnea Street, 603 Contentnea Street, and 605 Contentnea Street;

WHEREAS, Greenville Housing Development Corporation has agreed to develop a lease-purchase program, utilizing these lots and single-family dwellings, for low to moderate income homebuyers and made available according to HUD fair market rents schedule;

WHEREAS, a portion of the monthly lease payments to Greenville Housing Development Corporation will be placed in a fund to cover routine maintenance, property management costs, and homebuyer downpayment assistance;

WHEREAS, Greenville Housing Development Corporation will reimburse the City of Greenville the cost of each lot and single-family dwelling at the time of sale to an eligible homebuyer; and

WHEREAS, North Carolina General Statute 160A-279 authorizes a conveyance to Greenville Housing Development Corporation for affordable housing purposes as permitted by North Carolina General Statutes 160A-456(b) and 157-9;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby authorize the conveyance of the lots and single-family dwellings located at 1101 Douglas Avenue, 505 Contentnea Street, 601 Contentnea Street, 603 Contentnea Street, and 605 Contentnea Street to Greenville Housing Development Corporation with the condition that the lots and single-family dwellings will be utilized for the implementation of a lease-purchase program for low to moderate income homebuyers, said conveyance to be by private sale with the consideration that said lots and single-family dwellings are to be utilized for the implementation of a lease-purchase program for low to moderate income homebuyers;

BE IT FURTHER RESOLVED by the City Council of the City of Greenville that the Mayor is hereby authorized to execute the deed and other appropriate documents to effect the conveyance of the lots and single-family dwellings located at 1101 Douglas Avenue, 505 Contentnea Street, 601 Contentnea Street, 603 Contentnea Street, and 605 Contentnea Street as herein described, consistent with the purposes and limitations of applicable law.

This the 2nd day of March, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 3/2/2009
Time: 6:00 PM

Title of Item: Acceptance of Staffing for Adequate Fire and Emergency Response (SAFER) Act grant award from the Department of Homeland Security

Explanation: Greenville Fire-Rescue has been awarded a grant from the Department of Homeland Security under the FY 2008 Staffing for Adequate Fire and Emergency Response (SAFER) Act in the amount of \$1,277,755. Acceptance of this grant will provide 12 additional within the Fire-Rescue Department, and provide staffing to place an additional Emergency Medical Services/Fire unit in service in a 24-hour, 7-day capacity. This unit will enhance the Department's abilities to deliver service, reduce response times to both fire and medical incidents, and provide enhanced safety for the Department. The recruitment to fill these positions is underway with an expected employment date of July 2009. Once the new employees have been trained, the peak-load EMS unit authorized for partial FY 2008-09 and full FY 2009-10 will be replaced by the full-time unit.

Fiscal Note: The grant award is for a period of five 12-month periods with an ascending match each of the five periods. The City of Greenville's match will be \$49,486 (10%), \$113,401 (20%), \$306,527 (50%), \$449,987 (70%), and 648,663 (100%) respectively. The savings that will be achieved by the mid-year FY 2009-10 elimination of the peak-load unit will cover the first period's match.

Recommendation: Authorize the City Manager or his designee to accept the grant award in the amount of \$1,277,755.

Attachments / click to download

 [SAFER Award Letter](#)

U.S. Department of Homeland Security
Washington, D.C. 20472**FEMA**

Mr. T. Michael Burton
Greenville Fire/Rescue Department
P. O. Box 7207
Greenville, North Carolina 27835-7207

Re: Grant No.EMW-2008-FF-00449

Dear Mr. Burton:

On behalf of the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2008 Staffing for Adequate Fire and Emergency Response (SAFER) grants has been approved. The DHS Federal Emergency Management Agency's National Preparedness Directorate, in consultation with the U.S. Fire Administration, carry out the Federal responsibilities of administering your grant. The approved project costs total to \$2,845,819.00. The Federal share is \$1,277,755.00 of the approved amount and your share of the costs is \$1,568,064.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the Articles as they outline the terms and conditions of your Grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the Grant and Grant Agreement Articles when you request and receive any of the Federal Grant funds awarded to you.**

The first step in requesting your grant funds is to confirm your correct Direct Deposit Information. Please go on-line to the AFG eGrants system at www.firegrantsupport.com and if you have not done so, complete and submit your SF 1199A, Direct Deposit Sign-up Form. Please forward the original, completed SF 1199A, Direct Deposit Sign-up Form, signed by your organization and the banking institution to the address below:

Department of Homeland Security
FEMA, National Preparedness Directorate
Grants Management Branch
500 C Street, SW, Room 334
Washington, DC 20472

Attn: Staffing Adequate Fire and Emergency Response (SAFER)

After your SF 1199A is reviewed and you receive an email indicating the form is approved, you will be able to request payments online. Awardees will draw the Federal Share of the awarded amount on a reimbursement basis no more frequently than quarterly. If you have any questions or concerns regarding the process to request your grant funds, please call 1-877-274-0960.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Ross Ashley, III".

W. Ross Ashley, III, Assistant Administrator
Grant Programs Directorate

Item # 13



City of Greenville, North Carolina

Meeting Date: 3/2/2009
Time: 6:00 PM

Title of Item: Contract with Martin Starnes & Associates, CPAs, P.A. for auditing services

Explanation: The City of Greenville and Greenville Utilities Commission have engaged Martin Starnes & Associates, CPAs, P.A. for auditing services since 2003. This firm was initially awarded the contract through a competitive process for five years. The City and GUC's five-year contract with Martin Starnes & Associates ended with the completion of the 2006-2007 audit. The City and GUC staff awarded a contract for an additional year in order to complete the fiscal year 2007-2008 audit, and staff is recommending another one-year contract to complete the 2008-2009 audit.

By separate contract, the firm also audits Sheppard Memorial Library and the Convention and Visitors Authority. The Greenville Utilities Commission and Sheppard Memorial Library financial statements are incorporated into the City of Greenville's financial statements, as Enterprise and Special Revenue Funds, respectively.

The City's Financial Services Department has been pleased with the working relationship and the services provided by Martin Starnes & Associates.

Fiscal Note:

	<u>FY 2009 Fee</u>
City of Greenville	\$47,000

Funds for the audit are included in the Financial Services Department budget.

Recommendation:

Authorize the City to enter into a contract for audit services with Martin Starnes & Associates, CPAs, P.A.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / [click to download](#)
